

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF ALABAMA
 NORTHERN DISTRICT**

KIM GRADY,)	
)	
Plaintiff,)	
)	
v.)	CASE NO.: _____
)	
SENSIO, INC. D/B/A BELLA)	JURY TRIAL DEMANDED
HOUSEWARES; AND FICTITIOUS)	
DEFENDANTS 1-8,)	
)	
Defendants.)	
)	

There may be other entities whose true names and identities are unknown to the Plaintiff at this time who may be legally responsible for the claim(s) set forth herein who may be added by amendment by the Plaintiff when their true names and identities are accurately ascertained by further discovery. Until that time, the Plaintiff will designate these parties in accordance with ARCP 9(h). The word “entity” as used herein is intended to refer to and include any and all forms of individuals, partnerships, any and all types of corporations and unincorporated associations. The symbol by which these party defendants are designated is intended to include more than one in the event that discovery reveals that the descriptive characterization of the symbol applies to more than one “entity.” In the present action, the party defendants which the Plaintiff must include by descriptive characterization are as follows: **FICTITIOUS DEFENDANTS NO. 1 – 4**, are those individuals or entities that sold the Subject Pressure Cooker; and **FICTITIOUS DEFENDANTS NO. 5 – 8**, are additional individuals or entities that may, in some manner and capacity, be responsible for the negligent and wrongful acts or omissions alleged herein.

COMPLAINT

Plaintiff, **KIM GRADY** (hereafter referred to as “Plaintiff”), by and through her undersigned counsel, **JOHNSON BECKER, PLLC** and **HENINGER GARRISON DAVIS, LLC**, hereby submits the following Complaint and Demand for Jury Trial against Defendant **SENSIO, INC. D/B/A BELLA HOUSEWARES** (hereafter referred to as “Defendant Bella”), and alleges the following upon personal knowledge and belief, and investigation of counsel:

Join the hundreds of people holding manufacturers accountable for defective and unsafe pressure cookers by asserting your pressure cooker personal injury claim.

Pressure cooker manufacturers market their products as a quick, healthy and safe way to cook. However, the reality is that many of the pressure cookers on the market have serious design flaws that can lead to severe malfunctions. These malfunctions can cause steam and scalding hot liquids and food to explode out of the pressure cooker, burning the user and anyone nearby.

The pressure cooker litigation team at Johnson Becker is experienced at holding manufacturers responsible for defective products. Over the last four years, Johnson Becker has represented over 500 people in more than 40 states who have been burned by exploding pressure cookers. In addition, we have handled pressure cooker cases against virtually all of the major name-brand manufacturers.

Each pressure cooker lawsuit is dependent on its own unique facts, but our firm continues to successfully file lawsuits against the manufacturers of defective pressure cookers and obtain settlements for our clients. We believe that holding manufacturers responsible for our clients' injuries not only helps our clients, but prevents future injuries by forcing manufacturers to evaluate and improve the safety of their products.

What Our Clients Say About Us . . .

“Johnson Becker was so helpful and easy to work with. They were always immediately available to answer my questions and they kept me up to date every step of the way. All the staff were extremely compassionate and professional. If you need a firm to handle your litigation, I highly recommend Johnson Becker.” -*Sandy F.*

“My experience with Johnson and Becker especially working with Mr Adam and Mr Mike has been beyond explainable. They are an amazing team. Mr Adam has been in touch with me throughout the whole process, never left me wondering. This law firm has worked with me to get the best results and ... everything they said they would do, they did it. I would highly recommend them to anyone who needs a great law firm.” -*Brenika L.*

“The service we received from Adam Kress and his team was outstanding. We came away feeling like we had a new friend. Our biggest surprise was that this company not only works on getting money for their clients, they actually care about getting unsafe products off the market. Thanks Johnson and Becker for making us feel like we helped make the world a little safer!” -*Ken C.*

Meet Our Pressure Cooker Attorneys:

Combined, they have over 55 years of experience holding manufacturers accountable when they choose to put profits over safety.

Michael Johnson

is a founding partner of Johnson Becker and the Co-Chair of its Consumer Products and Mass Tort Departments. Michael exclusively represents



individuals across the country injured by defective and dangerous products, with an emphasis on consumer goods. Michael has battled major product manufacturers at trial, in the appellate courts, and all the way to the U.S. Supreme Court.

Kenneth Pearson

is a partner at Johnson Becker. A graduate of Harvard Law School, Ken began his career representing product manufacturers.

He now draws on that experience to exclusively represent individuals seeking recovery for product-related personal injuries in state and federal courts nationwide.



Adam Kress

began his career at Johnson Becker in 2013, and has exclusively represented plaintiffs in product liability, personal injury and wrongful death claims. Adam co-chairs the firm's Consumer Products Department.



NATURE OF THE ACTION

1. Defendant Bella designs, manufactures, markets, imports, distributes and sells consumer kitchen products, including the subject “Bella 5qt Pressure Cooker,” which specifically includes the Model Number JY-PC20US-5P (referred to hereafter as “pressure cooker(s)” or the “Subject Pressure Cooker”) that is at issue in this case.

2. Defendant Bella boasts that its pressure cookers feature an “[e]xtremely safe and secure locking system”¹ or “safety valve” which creates “added safety and control” and allows the consumer to “cook a variety of foods.”² Despite Defendant’s claims of “safety,” it designed, manufactured, marketed, imported, distributed and sold, both directly and through third-party retailers, a product that suffers from serious and dangerous defects. Said defects cause significant risk of bodily harm and injury to its consumers.

3. Specifically, said defects manifest themselves when, despite Defendant’s statements, the lid of the pressure cooker is removable with built-up pressure, heat and steam still inside the unit. When the lid is removed under such circumstances, the pressure trapped within the unit causes the scalding hot contents to be projected from the unit and into the surrounding area, including onto the unsuspecting consumers, their families and other bystanders. The Plaintiff in this case was able to remove the lid while the pressure cooker retained pressure, causing her serious and substantial bodily injuries and damages.

4. Defendant knew or should have known of these defects, but has nevertheless put profit ahead of safety by continuing to sell its pressure cookers to consumers, failing to warn said

¹ See <https://bellahousewares.com/products-bella/5qt-pressure-cooker/> (last accessed November 9, 2020).

² *Id.*

consumers of the serious risks posed by the defects, and failing to recall the dangerously defective pressure cookers regardless of the risk of significant injuries to Plaintiff and consumers like her.

5. As a direct and proximate result of Defendant Bella's conduct, the Plaintiff in this case incurred significant and painful bodily injuries, medical expenses, physical pain, mental anguish, and diminished enjoyment of life.

PLAINTIFF KIM GRADY

6. Plaintiff is a resident and citizen of the city of Fairfield, County of Jefferson, State of Alabama.

7. On or about November 12, 2018, Plaintiff suffered serious and substantial burn injuries as the direct and proximate result of the pressure cooker's lid being able to be rotated and opened while the pressure cooker was still under pressure, during the normal, directed use of the pressure cooker, allowing its scalding hot contents to be forcefully ejected from the pressure cooker and onto Plaintiff. The incident occurred as a result of the failure of the pressure cooker's supposed "safety valve,"³ which purports to keep the consumer safe while using the pressure cooker. In addition, the incident occurred as the result of Defendant's failure to redesign the pressure cooker, despite the existence of economical, safer alternative designs.

DEFENDANT SENSIO, INC. D/B/A BELLA HOUSEWARES

8. Defendant Bella designs, manufactures, markets, imports, distributes and sells a variety of consumer kitchen products including pressure cookers, juicers, coffee makers, and air-fryers, amongst others.

9. Defendant Bella is a Canadian Corporation, with a principal place of business located at 610 East River Road, STE 260, New Glasgow, Nova Scotia B2H 3S2

³ See generally Bella 5qt Pressure Cooker Model No. JY-PC20US-5P Owner's Manual, attached hereto as Exhibit A and incorporated by reference.

JURISDICTION AND VENUE

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 all or a substantial part of the events or omissions giving rise to this claim occurred in this district.

11. This Court has subject matter jurisdiction over this case pursuant to diversity jurisdiction prescribed by 28 U.S.C. § 1332 because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and there is complete diversity between the parties.

12. Jurisdiction in this Court is also proper in that Defendant Bella has established sufficient minimum contacts with the State of Alabama through the sale and distribution of its products.

FACTUAL BACKGROUND

13. Defendant Bella is engaged in the business of designing, manufacturing, warranting, marketing, importing, distributing and selling the pressure cookers at issue in this litigation.

14. Defendant Bella boasts that its pressure cookers feature an “[e]xtremely safe and secure locking system”⁴ or “safety valve” which creates “added safety and control” and allows the consumer to “cook a variety of foods.”⁵ Defendant Bella also claims that the “Bella 6Qt pressure cooker is the latest generation multi-use kitchen appliance”⁶ and that it features a “unique pressure release button to quickly expel pressure” to purportedly protect the user from hot steam.

⁴ See <https://bellahousewares.com/products-bella/5qt-pressure-cooker/> (last accessed November 9, 2020).

⁵ *Id.*

⁶ *Id.*

15. According to the Owner's Manual accompanying each individual unit sold, the pressure cookers feature a "safety valve" which purportedly keeps the lid from the pressure cooker from opening once pressurize. Specifically:

WHEN COOKING UNDER PRESSURE, THE PRESSURE COOKER CANNOT BE OPENED ONCE PRESSURE IS REACHED. DO NOT TRY TO FORCE THE LID OPEN.⁷

16. By reason of the forgoing acts or omissions, the above-named Plaintiff and her family purchased the pressure cooker with the reasonable expectation that it was properly designed and manufactured, free from defects of any kind, and that it was safe for its intended, foreseeable use of cooking.

17. Plaintiff used her pressure cooker for its intended purpose of preparing meals for herself and/or family and did so in a manner that was reasonable and foreseeable by the Defendant Bella.

18. However, the aforementioned pressure cooker was defectively and negligently designed and manufactured by Defendant Bella in that it failed to properly function as to prevent the lid from being removed with normal force while the unit remained pressurized, despite the appearance that all the pressure had been released, during the ordinary, foreseeable and proper use of cooking food with the product; placing the Plaintiff, her family, and similar consumers in danger while using the pressure cookers.

19. Defendant Bella's pressure cookers possess defects that make them unreasonably dangerous for their intended use by consumers because the lid can be rotated and opened while the unit remains pressurized.

⁷ See Bella 5qt Pressure Cooker Model No. JY-PC20US-5P Owner's Manual, pg.6 (emphasis in original).

20. Further, Defendant Bella's representations about "safety" are not just misleading, they are flatly wrong, and put innocent consumers like Plaintiff directly in harm's way.

21. Economic, safer alternative designs were available that could have prevented the Pressure Cooker's lid from being rotated and opened while pressurized.

22. Defendant Bella knew or should have known that its pressure cookers possessed defects that pose a serious safety risk to Plaintiff and the public. Nevertheless, Defendant Bella continues to ignore and/or conceal its knowledge of the pressure cookers' defects from the general public and continues to generate a substantial profit from the sale of their pressure cookers.

23. As a direct and proximate result of Defendant Bella's concealment of such defects, its failure to warn consumers of such defects, its negligent misrepresentations, its failure to remove a product with such defects from the stream of commerce, and its negligent design of such products, Plaintiff used an unreasonably dangerous pressure cooker, which resulted in significant and painful bodily injuries upon Plaintiff's simple removal of the lid of the Pressure Cooker.

24. Consequently, the Plaintiff in this case seeks compensatory damages resulting from the use of Defendant Bella's pressure cooker as described above, which has caused the Plaintiff to suffer from serious bodily injuries, medical expenses, physical pain, mental anguish, diminished enjoyment of life, and other damages.

SPECIFIC COUNTS

COUNT ONE AS TO AS TO SENSIO, INC. D/B/A BELLA HOUSEWARES; AND FICTITIOUS DEFENDANTS 1-8

ALABAMA EXTENDED MANUFACTURER'S LIABILITY DOCTRINE

25. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein, and further alleges

26. Defendant Bella and the Fictitious Defendants, inclusive, designed, manufactured, sold, distributed, marketed, and supplied the Subject Pressure Cooker, which was designed in a defective condition; defectively manufactured; contained inadequate and incomplete warnings for foreseeable consumers and users; and were otherwise unreasonably dangerous for its intended use by foreseeable consumers, including Plaintiff.

27. The Subject Pressure Cooker was unreasonably dangerous in design and manufacture due to the lid of the pressure cooker being removable with built-up pressure, heat and steam still inside the unit.

28. Defendant Bella and the Fictitious Defendants, inclusive, failed to act reasonably in choosing a design of the Subject Pressure Cooker that did not prevent the lid from being removed while still pressurized.

29. Defendant Bella and the Fictitious Defendants, inclusive, could have used a safer alternative design to prevent the lid from being removed while still pressurized.

30. At the time the Subject Pressure Cooker were manufactured and sold by Defendant Bella and the Fictitious Defendants, inclusive, they were defective, unsafe, and unreasonably dangerous for their intended and foreseeable use(s) by consumers, including Plaintiff, due to these manufacturing defects or omissions by Defendant Bella and the Fictitious Defendants, inclusive.

31. The manufacturing defects of the Subject Pressure Cooker allowed the lid of the pressure cooker to be removed with built-up pressure, heat and steam still inside the unit, leading to serious personal injuries like those described herein in this Complaint.

32. Defendant Bella and the Fictitious Defendants, inclusive, failed to conduct adequate safety testing and inspection of the Subject Pressure Cooker.

33. The Subject Pressure Cooker did not contain adequate warnings or instructions for use, making it defective and unreasonably dangerous to consumers and foreseeable users of the Subject Pressure Cooker, including Plaintiff.

34. Defendant Bella and the Fictitious Defendants, inclusive, failed to warn foreseeable users and consumers, including Plaintiff, of any specific risk of harm, including that the Subject Pressure Cooker could suddenly and unexpectedly explosively separate from the unit during its normal directed use.

35. The Subject Pressure Cooker was expected to reach and did reach the intended consumers, including Plaintiff, without substantial change in the condition in which it was sold.

36. A reasonable consumer, including Plaintiff, would not have reason to expect that the lid Subject Pressure Cooker could suddenly and unexpectedly explosively separate from the unit during its normal directed use.

37. Plaintiff did not misuse or materially alter the Subject Pressure Cooker and is unaware as to how she could have avoided the incident.

38. At the time they were sold, Defendant Bella and the Fictitious Defendants, inclusive, knew or should have known that the lid Subject Pressure Cooker could suddenly and unexpectedly explosively separate from the unit during its normal directed use.

39. The design and manufacturing defects contained within the Subject Pressure Cooker, as well as Defendant Bella and the Fictitious Defendants, inclusive, inadequate warnings and instructions for the use of the Subject Pressure Cooker, were the proximate causes of, directly resulted in, and/or substantially contributed to the injuries sustained by Plaintiff and her resulting damages, for which the Defendants in this case are liable.

40. By reason of the foregoing, Plaintiff demands judgment against Defendant Bella and the Fictitious Defendants, inclusive, individually, jointly and severally for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other and further relief as the Court deems proper.

COUNT TWO AS TO SENSIO, INC. D/B/A BELLA HOUSEWARES; AND FICTITIOUS DEFENDANTS 1-8

NEGLIGENCE/WANTONNESS

41. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein, and further alleges:

42. Defendant Bella and the Fictitious Defendants, inclusive, had a duty of reasonable care to design, manufacture, market, distribute and sell non-defective batteries that were reasonably safe for its intended use by Plaintiff and consumers alike.

43. Defendant Bella and the Fictitious Defendants, inclusive, including their officers, employees and agents, had a duty of reasonable care to market and sell non-defective pressure cookers, including the Subject Pressure Cooker, that was reasonably safe for its intended uses by consumers.

44. Defendants failed to exercise the ordinary care required by a reasonably prudent manufacturer, retailer and/or distributor in the design, manufacture, marketing, distribution, sale, and advertising of its batteries, including the Subject Pressure Cooker, in that Defendants knew or should have known that the Subject Pressure Cooker created a substantial risk of unreasonable harm to Plaintiff and consumers alike.

45. Defendants and the Fictitious Defendants, inclusive, were negligent in the designing, manufacturing, advertising, marketing, distributing and selling the Subject Pressure Cooker in that, among other things, they:

- a. Failed to use due care in designing and manufacturing the pressure cookers to avoid the aforementioned risks to individuals;
- b. Placed an unsafe product into the stream of commerce;
- c. Aggressively over-promoted and marketed its pressure cookers through television, social media, and other advertising outlets; and
- d. Were otherwise careless or negligent.

46. Defendant Bella and the Fictitious Defendants', inclusive, negligence was the proximate cause of, directly resulted in, and/or substantially contributed to the injuries sustained by Plaintiff and her resulting damages, for which the Defendants in this case are liable.

47. By reason of the foregoing, Plaintiff demands judgment against Defendant Bella and the Fictitious Defendants', inclusive, individually, jointly and severally for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other and further relief as the Court deems proper.

**COUNT THREE AS TO SENSIO, INC. D/B/A BELLA HOUSEWARES; AND
FICTITIOUS DEFENDANTS 1-8**

BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY

48. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein, and further alleges:

49. Defendant Bella and the Fictitious Defendants, inclusive, breached the implied warranty of merchantability, as the Subject Pressure Cooker was not safe or of merchantable quality.

50. Defendant Bella and the Fictitious Defendants, inclusive, designed, manufactured, marketed, advertised, distributed and/or sold the Subject Pressure Cooker with an implied warranty that it was of merchantable quality.

51. Members of the consuming public, including Plaintiff, were the intended third-party beneficiaries of the warranty.

52. The Plaintiff in this case reasonably relied on Defendant Bella and the Fictitious Defendants, inclusive, representations that its pressure cookers were a quick, effective and safe means of cooking.

53. The Subject Pressure Cooker was not safe or of merchantable quality at the time they were sold by the Defendant Bella and the Fictitious Defendants, inclusive.

54. Defendant Bella and the Fictitious Defendants, inclusive, knew or should have known of the dangerous propensities of the Subject Pressure Cooker at the time it was sold.

55. Defendant Bella and the Fictitious Defendants', inclusive, breach of implied warranty of merchantability was the proximate cause of, directly resulted in, and/or substantially contributed to the injuries sustained by Plaintiff and her resulting damages, for which Defendants in this case are liable.

56. By reason of the foregoing, Plaintiff demands judgment against Defendant Bella and the Fictitious Defendants', inclusive, individually, jointly and severally for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other and further relief as the Court deems proper.

**COUNT FOUR AS TO SENSIO, INC. D/B/A BELLA HOUSEWARES; AND
FICTITIOUS DEFENDANTS 1-8**

BREACH OF IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR PURPOSE

57. Plaintiff incorporates by reference all other paragraphs of this Complaint as if fully set forth herein, and further alleges:

58. Defendant Bella and the Fictitious Defendants, inclusive, breached the implied warranty of fitness for a particular use, as the Subject Pressure Cooker was not safe or fit for the particular purpose of cooking in which it was intended to be used.

59. Defendant Bella and the Fictitious Defendants, inclusive, designed, manufactured, marketed, advertised, distributed and/or sold the Subject Pressure Cooker with an implied warranty that they were fit for the particular purpose of efficiently and safely cooking meals.

60. Members of the consuming public, including Plaintiff, were the intended third-party beneficiaries of the warranty.

61. Plaintiff reasonably relied on Defendant Bella's and the Fictitious Defendants, inclusive, representations, skill and judgment in her selection of the Subject Pressure Cooker.

62. The Subject Pressure Cooker was not safe or fit for the particular purpose in which it was intended to be used for.

63. Defendant Bella and the Fictitious the Defendants, inclusive, knew or should have known of the dangerous propensities of the Subject Pressure Cooker at the time it was sold.

64. Defendant Bella and the Fictitious Defendants', inclusive, breach of implied warranty of fitness for a particular use was the proximate cause of, directly resulted in, and/or substantially contributed to the injuries sustained by Plaintiff and her resulting damages, for which the Defendants in this case are liable.

65. By reason of the foregoing, Plaintiff demands judgment against Defendant Bella and the Fictitious Defendants', inclusive, individually, jointly and severally for compensatory damages, together with interest, costs of suit, attorneys' fees, and all such other and further relief as the Court deems proper.

INJURIES & DAMAGES

66. As a direct and proximate result of Defendants' collective negligence and wrongful misconduct as described herein, Plaintiff has suffered and will continue to suffer physical and emotional injuries and damages including past, present, and future physical and emotional pain and suffering as a result of the incident on or about November 12, 2018. Plaintiff is entitled to recover damages from Defendants for these injuries in an amount which shall be proven at trial.

67. As a direct and proximate result of Defendants' negligence and wrongful misconduct, as set forth herein, Plaintiff has incurred and will continue to incur the loss of full enjoyment of life and disfigurement as a result of the incident on or about November 12, 2018. Plaintiff is entitled to recover damages for loss of the full enjoyment of life and disfigurement from Defendants in an amount to be proven at trial.

68. As a direct and proximate cause of Defendants' negligence and wrongful misconduct, as set forth herein, Plaintiff has incurred medical treatment, as well as other expenses, as a result of the severe burns she suffered as a result of the incident on or about November 12, 2018. Plaintiff is entitled to recover damages from Defendants for her past, present and future medical and other expenses in an amount which shall be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against all Defendants, jointly and severally, on each of the above-referenced claims and Causes of Action as follows:

- A. That Defendants Answer this Complaint as provided by law;
- B. That Plaintiff has a trial by jury on all of the claims and issues;
- C. That judgment be entered in favor of Plaintiff and against Defendants, jointly and severable, on all of the aforementioned claims and issues;
- D. That Plaintiff recover all damages against Defendants, both economic and non-economic, to compensate Plaintiff for his injuries and suffering sustained because

- of the use of the Defendants' product;
- E. That punitive or exemplary damages be award according to proof;
 - F. That all costs be taxed against Defendants;
 - G. That Plaintiff be awarded attorney's fees; and
 - H. That this Court awards any other relief that it may deem equitable and just, or that may be available under the law of another forum to the extent the law of another forum is applied, including but not limited to all reliefs prayed for in this Complaint and in the foregoing Prayer for Relief.

DEMAND FOR JURY DEMAND

Plaintiff demands a trial by jury on all counts and as to all issues.

Dated: November 9, 2020

Respectfully submitted,

By: /s/ William L. Bross
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