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18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 **RUTH SCUDIERY, an individual,**
21 **Plaintiff,**

22 **v.**

23 **INSTANT BRANDS, INC., a**
24 **Canadian Corporation,**
25 **Defendant.**

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

1. Strict Products Liability
2. Negligent Products Liability
3. Breach of Express Warranty
4. Breach of Implied Warranty of Merchantability
5. Breach of Implied Warranty of Fitness for a Particular Purpose

26 Plaintiff, **RUTH SCUDIERY** (hereafter referred to as "Plaintiff"), by and

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.



1 through her undersigned counsel, **JOHNSON BECKER, PLLC** and **HARLAN LAW,**
2 **P.C.**, hereby submits the following Complaint and Demand for Jury Trial against
3 Defendant **INSTANT BRANDS, INC.** (hereafter referred to as “Defendant Instant
4 Brands“ or “Defendant”) alleges the following upon personal knowledge and belief, and
5 investigation of counsel:

6 **NATURE OF THE CASE**

7 1. Defendant Instant Brands designs, manufactures, markets, imports,
8 distributes and sells a wide-range of consumer kitchen products, including the subject
9 “Instant Pot Programmable Electric Pressure Cooker,” which specifically includes the
10 Model Number Nova Plus (referred to hereafter as “pressure cooker(s)”) that is at issue
11 in this case.

12 2. Defendant touts the “safety”¹ of its pressure cookers, and states that they
13 cannot be opened while in use. Despite Defendant’s claims of “safety,” it designed,
14 manufactured, marketed, imported, distributed and sold, both directly and through
15 third-party retailers, a product that suffers from serious and dangerous defects. Said
16 defects cause significant risk of bodily harm and injury to its consumers.

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

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

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28 ¹ See, e.g. Instant Pot Nova Plus owner’s manual, pgs. 20. A copy of the Owner’s manual is attached
hereto as “Exhibit A”.

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

4 5. Defendant ignored and/or concealed its knowledge of these defects in its
5 pressure cookers from the Plaintiff in this case, as well as the public in general, in
6 order to continue generating a profit from the sale of said pressure cookers.

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

10 **PLAINTIFF RUTH SCUDIERI**

11 7. Plaintiff is a resident and citizen of the city of Sylmar, County of Los
12 Angeles, State of California.

13 8. On or about March 26, 2020, Plaintiff suffered serious and substantial
14 burn injuries as the direct and proximate result of the pressure cooker's lid being able
15 to be rotated and opened while the pressure cooker was still under pressure, during
16 the normal, directed use of the Pressure Cooker, allowing its scalding hot contents to
17 be forcefully ejected from the pressure cooker and onto Plaintiff. The incident occurred
18 as a result of the failure of the pressure cooker's supposed "safety mechanisms,"² which
19 purport to keep the consumer safe while using the pressure cooker. In addition, the
20 incident occurred as the result of Defendant's failure to redesign the pressure cooker,
21 despite the existence of economical, safer alternative designs.

22 **DEFENDANT INSTANT BRANDS, INC.**

23 9. Defendant designs, manufactures, markets, imports, distributes and sell
24 a variety of consumer kitchen products including pressure cookers, air fryers, and
25 blenders, amongst others.

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² *Id.*

1 16. Defendant aggressively warrants, markets, advertises and sells its
2 pressure cookers as “Convenient, Dependable and Safe,”⁵ allowing consumers to cook
3 “healthy, tasty dishes.”⁶

4 17. For instance, the Defendant claims that its pressure cookers include a
5 “safety feature to disable the cooker” and display light that “flashes ‘Lid’ if the lid is
6 not positioned correctly.”⁷

7 18. To further propagate its message, Defendant has, and continues to utilize
8 numerous media outlets including, but not limited to, infomercials, social media
9 websites such as YouTube, and third-party retailers. For example, the following can
10 be found on Defendant’s YouTube webpage entitled “Getting to Know Your New
11 Instant Pot IP-DUO”:

12 a. “The first thing you need to know about your IP-DUO is ***that you don’t***
13 ***need to be afraid of it***, as many people are afraid of stovetop pressure
14 cookers.”⁸

15 b. “With 10 safety features built in, you can use your Instant Pot with
16 confidence, ***knowing that it is not going to explode.***”⁹

17 c. “In addition, keep in mind that your Instant Pot operates at relatively low
18 pressures of 11 to 12 psi or lower, depending on the pressure setting that
19 you use.”¹⁰

20 19. In a similar video entitled “Introducing Instant Pot IP-DUO series
21 electric pressure cooker,” spokesperson Laura Pazzaglia, founder of the website “Hip
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23

24 ⁵ See <https://instantpot.com/portfolio-item/lux-6-quart/#tab-id-1>

25 ⁶ *Id.*

26 ⁷ Instant Pot IP-LUX50/60 Owner’s manual, pg. 10,

27 ⁸ <https://www.youtube.com/watch?v=w1RKj9E8TY0> (video with a runtime of 11:26) at 0:42 – 0:46

28 ⁹ *Id.* at 0:47 – 0:55.

¹⁰ *Id.* 0:56 – 1:08. This apparently suggests that even if the lid is opened while the unit is still
pressurized, it will not harm you.

1 Pressure Cooking”¹¹ boasts of the pressure cookers “10 safety features,”¹² stating that
2 this “new model detects the position of the lid”¹³ and “once the lid is locked, and the
3 contents are under pressure, there’s no way to open the pressure cooker.”¹⁴

4 20. According to the Owner’s Manual accompanying each individual unit
5 sold, the pressure cookers purport to be designed with “10 proven safety mechanisms
6 and patented technologies,”¹⁵ misleading the consumer into believing that the pressure
7 cookers are reasonably safe for its normal, intended use.

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

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

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

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¹¹ See <https://www.hippressurecooking.com/>

26 ¹² See <https://www.youtube.com/watch?v=bVA2EqPf0s0> at 1:22 – 143.

27 ¹³ *Id.* at 2:26

28 ¹⁴ *Id.* at 6:40

¹⁵ See Instant Pot IP-DUO60/80 V2 Owner’s Manual, pg. 4.

1 30. Plaintiff incorporates by reference each preceding and succeeding
2 paragraph as though set forth fully at length herein.

3 31. At the time of Plaintiff's injuries, Defendant's pressure cookers were
4 defective and unreasonably dangerous for use by foreseeable consumers, including
5 Plaintiff.

6 32. Defendant's pressure cookers were in the same or substantially similar
7 condition as when they left the possession of the Defendant.

8 33. Plaintiff and her family did not misuse or materially alter the pressure
9 cooker.

10 34. The pressure cookers did not perform as safely as an ordinary consumer
11 would have expected them to perform when used in a reasonably foreseeable way.

12 35. Further, a reasonable person would conclude that the possibility and
13 serious of harm outweighs the burden or cost of making the pressure cookers safe.

14 Specifically:

15 a. The pressure cookers designed, manufactured, sold, and supplied by
16 Defendant were defectively designed and placed into the stream of
17 commerce in a defective and unreasonably dangerous condition for
18 consumers;

19 b. The seriousness of the potential burn injuries resulting from the product
20 drastically outweighs any benefit that could be derived from its normal,
21 intended use;

22 c. Defendant failed to properly market, design, manufacture, distribute,
23 supply, and sell the pressure cookers, despite having extensive knowledge
24 that the aforementioned injuries could and did occur;

25 d. Defendant failed to warn and place adequate warnings and instructions
26 on the pressure cookers;

27 e. Defendant failed to adequately test the pressure cookers; and
28

1 f. Defendant failed to market an economically feasible alternative design,
2 despite the existence of economical, safer alternatives, that could have
3 prevented the Plaintiff injuries and damages.

4 36. At the time of Plaintiff's injuries, Defendants' pressure cookers were
5 defective and unreasonably dangerous for use by foreseeable consumers, including
6 Plaintiff.

7 37. Defendant's actions and omissions were the direct and proximate cause
8 of the Plaintiff's injuries and damages.

9 **WHEREFORE**, Plaintiff demands judgment against Defendant for and
10 punitive damages according to proof, together with interest, costs of suit, attorneys'
11 fees, and all such other relief as the Court deems proper. Plaintiff reserves the right
12 to amend the complaint to seek punitive damages if and when evidence or facts
13 supporting such allegations are discovered.

14 **SECOND CAUSE OF ACTION**

15 **NEGLIGENT PRODUCTS LIABILITY**

16 PLAINTIFF, FOR A SECOND CAUSE OF ACTION AGAINST INSTANT
17 BRANDS, INC., ALLEGES AS FOLLOWS:

18 38. Plaintiff incorporates by reference each preceding and succeeding
19 paragraph as though set forth fully at length herein.

20 39. Defendant had a duty of reasonable care to design, manufacture, market,
21 and sell non-defective pressure cookers that are reasonably safe for its intended uses
22 by consumers, such as Plaintiff and her family.

23 40. Defendant failed to exercise ordinary care in the manufacture, sale,
24 warnings, quality assurance, quality control, distribution, advertising, promotion, sale
25 and marketing of its pressure cookers in that Defendant knew or should have known
26 that said pressure cookers created a high risk of unreasonable harm to the Plaintiff
27 and consumers alike.

28

- 1 a. “As a safety feature, the lid is locked and won’t open until the float valve
2 drops down.”¹⁶
- 3 b. “Instant Pot® has a safety feature to disable the cooker and the display
4 will flash "Lid" if the lid is not positioned correctly.”¹⁷
- 5 c. “Once the lid is locked, and the contents are under pressure, there’s no
6 way to open the pressure cooker.”¹⁸

7 45. Members of the consuming public, including consumers such as the
8 Plaintiff, were the intended third-party beneficiaries of the warranty.

9 46. Defendant marketed, promoted and sold its pressure cookers as a safe
10 product, complete with “safety measures.”

11 47. Defendant’s pressure cookers do not conform to these express
12 representations because the lid can be removed using normal force while the units
13 remain pressurized, despite the appearance that the pressure has been released,
14 making the pressure cookers not safe for use by consumers.

15 48. Defendant breached its express warranties in one or more of the following
16 ways:

- 17 a. The pressure cookers as designed, manufactured, sold and/or supplied by
18 the Defendant were defectively designed and placed into the stream of
19 commerce by Defendant in a defective and unreasonably dangerous
20 condition;
- 21 b. Defendant failed to warn and/or place adequate warnings and
22 instructions on its pressure cookers;
- 23 c. Defendant failed to adequately test its pressure cookers; and
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27 ¹⁶ *Id.* at pg. 9.

28 ¹⁷ *Id.* at 10.

¹⁸ See <https://www.youtube.com/watch?v=bVA2EqPf0s0> at 1:22 – 143.

1 d. Defendant failed to provide timely and adequate post-marketing
2 warnings and instructions after they knew the risk of injury from its
3 pressure cookers.

4 49. Plaintiff used the pressure cooker with the reasonable expectation that it
5 was properly designed and manufactured, free from defects of any kind, and that it
6 was safe for its intended, foreseeable use of cooking.

7 50. Plaintiff's injuries were the direct and proximate result of Defendant's
8 breach of its express warranties.

9 **WHEREFORE**, Plaintiff demands judgment against Defendant for and
10 punitive damages according to proof, together with interest, costs of suit, attorneys'
11 fees, and all such other relief as the Court deems proper. Plaintiff reserves the right
12 to amend the complaint to seek punitive damages if and when evidence or facts
13 supporting such allegations are discovered.

14 **FOURTH CAUSE OF ACTION**

15 **BREACH OF IMPLIED WARRANTY OF MERCHANTABILITY**

16 PLAINTIFF, FOR A FOURTH CAUSE OF ACTION AGAINST INSTANT
17 BRANDS, INC., ALLEGES AS FOLLOWS:

18 51. Plaintiff incorporates by reference each preceding and succeeding
19 paragraph as though set forth fully at length herein.

20 52. At the time Defendant marketed, distributed and sold its pressure
21 cookers to the Plaintiff in this case, Defendant warranted that its pressure cookers
22 were merchantable and fit for the ordinary purposes for which they were intended.

23 53. Members of the consuming public, including consumers such as Plaintiff,
24 were intended third-party beneficiaries of the warranty.

25 54. Plaintiff reasonably relied on Defendant's representations that its
26 pressure cookers were a quick, effective and safe means of cooking.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendant as follows:

- A. That Plaintiff has a trial by jury on all of the claims and issues;
- B. That judgment be entered in favor of the Plaintiff and against Defendant on all of the aforementioned claims and issues;
- C. That Plaintiff recover all damages against Defendant, general damages and special damages, including economic and non-economic, to compensate the Plaintiff for her injuries and suffering sustained because of the use of the Defendants' defective pressure cooker;
- D. That all costs be taxed against Defendant;
- E. That prejudgment interest be awarded according to proof;
- F. That Plaintiff be awarded attorney's fees to the extent permissible under Federal and California law; and
- G. 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.

HARLAN LAW, P.C

Dated: March 16, 2022

/s/ Jordon Harlan, Esq.
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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury of all the claims asserted in this Complaint so triable.

HARLAN LAW, P.C

Dated: March 16, 2022

/s/ Jordon Harlan, Esq.
Jordon R. Harlan, Esq.

In association with:

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