

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

MARIA ELENA MARRERO , an individual,	:	
	:	
Plaintiff,	:	
	:	Civil Action No.:
v.	:	
	:	JURY TRIAL DEMANDED
THE LAUNDRESS, LLC , a New York Limited Liability Company, and CONOPOC, INC. d/b/a UNILEVER HOME & PERSONAL CARE USA , a New Jersey Corporation,	:	
	:	
Defendants.	:	

COMPLAINT

Plaintiff, **MARIA ELENA MARRERO**, (“Plaintiff” or “Maria”), by and through her undersigned counsel, **JOHNSON BECKER, PLLC**, hereby submits the following Complaint and Demand for Jury Trial against Defendants **THE LAUNDRESS, LLC** (“The Laundress”); **CONOPOC, INC. d/b/a UNILEVER HOME & PERSONAL CARE USA**, (“Unilever”) (collectively referred to as “Defendants”), and alleges the following upon personal knowledge and belief, and investigation of counsel:

NATURE OF THE CASE

1. The Laundress was founded almost 20 years ago in New York, New York, and was purchased by Unilever in 2019.¹ Together, Defendants manufacture and sell cleaning products, including detergents, household cleaning solutions, and shampoos and hold themselves out “fabric care experts.”²

¹ See <https://www.thelaundress.com/pages/product-safety> (last accessed July 11, 2023).

² Id.

2. Plaintiff was a frequent user of The Laundress detergents, having purchased multiple products including, *inter alia*, the Signature Detergent (Lot No. F8226-0263), Fabric Conditioner (Lot No. F8528-0349), Delicate Wash (Lot No. F8279-0295) and Whites Detergent (Lot No. H0902-2020) directly from The Laundress' website.

3. On or about July 26, 2021, Plaintiff fell ill. Plaintiff was subsequently diagnosed with *Klebsiella aerogenes*.³ As a result Plaintiff has and will continue to experience significant and painful injuries including, *inter alia*, significant bowel and digestive issues.

4. On or about December 1, 2022, Defendants recalled⁴ more than **8 million** The Laundress laundry and household cleaning products due to contamination with harmful bacteria, including, *inter alia*, *Klebsiella aerogenes*, *Burkholderia cepacia* complex, and *Pseudomonas*. According to the recall, “[p]eople with weakened immune systems, external medical devices, and underlying lung conditions who are exposed to the bacteria face a risk of serious infection that may require medical treatment.”⁵

5. Defendants manufactured, marketed and sold these detergents with harmful bacteria that made it inherently dangerous to consumers, including the Plaintiff in this case.

6. Defendants knew or should have known of this contamination but nevertheless put profit ahead of safety by continuing to sell their detergents to consumers, failing to warn said consumers

³ *Klebsiella* is a type of Gram-negative bacteria. *Klebsiella* bacteria are normally found in the human intestines and in human stool. When these bacteria get into other areas of the body, they can cause infection. These infections could include: urinary tract infections; pneumonia; bloodstream infections (also called sepsis); wound or surgical site infections; and meningitis. <https://www.health.pa.gov/topics/Documents/Diseases%20and%20Conditions/Klebsiella%20.pdf> (last accessed July 11, 2023).

⁴ See (<https://www.cpsc.gov/Recalls/2023/The-Laundress-Recalls-Laundry-Detergent-and-Household-Cleaning-Products-Due-to-Risk-of-Exposure-to-Bacterias> (last accessed July 11, 2023). A copy of the Safety Recall Report is attached hereto as Exhibit A.

⁵ *Id.*

of the serious risks posed by said contamination and failing to timely recall the dangerous detergents despite the risk of significant to Plaintiff and consumers like her.

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

PLAINTIFF MARIA ELENA MARRERO

8. Plaintiff **MARIA ELENA MARRERO** is a resident and citizen of the City of Cape Coral, County of Lee, State of Florida.

9. After using Defendants' detergents containing the bacteria, Plaintiff was injured. Plaintiff suffered physical injuries associated with the effects of exposure to bacteria including, *inter alia*, significant bowel and digestive issues.

**DEFENDANTS THE LAUNDRESS, LLC &
CONOPOC, INC. d/b/a UNILEVER HOME & PERSONAL CARE USA**

10. Defendants manufacture and sell cleaning products, including detergents, household cleaning solutions, and shampoos and hold themselves out "fabric care experts."⁶

11. Defendant The Laundress, LLC is a Delaware LLC with its principal place of business located at 199 Prince St, New York, New York, 10013.

12. Conopco, Inc. d/b/a Unilever Home & Personal Care USA is a New York corporation with its principal place of business located at 700 Sylvan Avenue, Englewood Cliffs, New Jersey 07632. Conopco is an affiliate of the Unilever Group and, upon information and belief, Conopco manufactures, markets, designs, promotes, and/or distributes The Laundress Products in New York and throughout the United States. Conopco and Unilever acquired The Laundress in or about 2019.

⁶ See <https://www.thelaundress.com/pages/product-safety> (last accessed July 11, 2023).

13. Defendants manufacture, market, advertise, and distribute the Products in this District and throughout the United States.

14. Plaintiff is informed, believes, and alleges that all acts and omissions of each Defendant or Defendants alleged herein were undertaken by each of the Defendants and/or their agents, servants, employees and/or owners while acting in the course and scope of their respective agencies, services, employments and/or ownerships.

JURISDICTION AND VENUE

15. This Court has subject matter jurisdiction over this case pursuant to diversity jurisdiction as 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.

16. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because Plaintiff is a resident and citizen of this district.

17. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391 because Defendants have sufficient minimum contacts with the State of Florida and intentionally availed themselves of the markets within Florida through the promotion, sale, marketing, and distribution of their products.

FACTUAL BACKGROUND

18. Plaintiff was a frequent user of The Laundress detergents, having purchased multiple products *inter alia*, the Signature Detergent (Lot No. F8226-0263), Fabric Conditioner (Lot No. F8528-0349), Delicate Wash (Lot No. F8279-0295) and Whites Detergent (Lot No. H0902-2020) directly from The Laundress' website.

19. On or about July 26, 2021, Plaintiff fell ill. Plaintiff was subsequently diagnosed with *Klebsiella aerogenes*. As a result Plaintiff has and will continue to experience significant and painful injuries including, *inter alia*, significant bowel and digestive issues.

20. On or about December 1, 2022, Defendants recalled⁷ more than **8 million** The Laundress laundry and household cleaning products due to contamination with harmful bacteria, including, *inter alia*, *Klebsiella aerogenes*, *Burkholderia cepacia* complex, and *Pseudomonas*. According to the recall, “[p]eople with weakened immune systems, external medical devices, and underlying lung conditions who are exposed to the bacteria face a risk of serious infection that may require medical treatment.”⁸

21. Defendants manufactured, marketed and sold these detergents with harmful bacteria including *inter alia*, *Klebsiella aerogenes*, *Burkholderia cepacia* complex, and *Pseudomonas* that made it inherently dangerous to consumers, including the Plaintiff in this case.

22. Plaintiff used her Laundress detergents for their intended purpose and did so in a manner that was reasonable and foreseeable by Defendants.

23. However, the aforementioned detergents contained harmful bacteria, including *inter alia*, *Klebsiella aerogenes*, *Burkholderia cepacia* complex, and *Pseudomonas*; placing the Plaintiff, her family, and similar consumers in danger to exposure.

24. Defendants’ detergents possess contamination that make them unreasonably dangerous for their intended use by consumers because of the risk of exposure to harmful bacteria such as *Klebsiella aerogenes*, *Burkholderia cepacia* complex, and *Pseudomonas*

25. As a direct and proximate result of Defendants’ intentional concealment of such contamination, their failure to warn consumers of such contamination and their failure to timely remove a product with such contamination from the stream of commerce, Plaintiff used these

⁷ See (<https://www.cpsc.gov/Recalls/2023/The-Laundress-Recalls-Laundry-Detergent-and-Household-Cleaning-Products-Due-to-Risk-of-Exposure-to-Bacterias> (last accessed July 11, 2023). A copy of the Safety Recall Report is attached hereto as Exhibit A.

⁸ *Id.*

unreasonably dangerous Detergents, which resulted in significant and painful bodily injuries.

26. Consequently, the Plaintiff in this case seeks damages resulting from the use of Defendants' detergents 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.

CLAIMS FOR RELIEF

COUNT I **STRICT LIABILITY**

27. Defendants manufacture and sell cleaning products, including detergents, household cleaning solutions, and shampoos including, *inter alia*, the detergents at issue in this case.

28. At the time of Plaintiff's injuries, the detergents were contaminated and unreasonably dangerous for use by foreseeable consumers, including Plaintiff.

29. The detergents were in the same or substantially similar condition as when they left the possession of the Defendants.

30. Plaintiff and her family did not misuse or materially alter the detergents.

31. The detergents did not perform as safely as an ordinary consumer would have expected them to perform when used in a reasonably foreseeable way.

32. Further, a reasonable person would conclude that the possibility and risk of serious harm outweigh the burden or cost of making the detergents safe. Specifically:

- a. The detergents designed, manufactured, licensed, sold, and supplied by the Defendants were contaminated and placed into the stream of commerce in an unreasonably dangerous condition for consumers;
- b. The seriousness of the potential burn injuries resulting from the product drastically outweigh any benefit that could be derived from its normal, intended use;

- c. Defendants failed to properly market, license, design, manufacture, distribute, supply, and sell the detergents, despite having extensive knowledge that the aforementioned bacterial exposures could and did occur;
 - d. Defendants failed to warn and place adequate warnings and instructions on the detergents;
 - e. Defendants failed to adequately test the detergents; and
 - f. Defendants failed to market an economically feasible alternative design, despite the existence of economical, safer alternatives, that could have prevented the Plaintiff's injuries and damages.
33. Defendants actions and omissions were the direct and proximate cause of Plaintiff's injuries and damages.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, together with interest, costs of suit, and all such other relief as the Court deems proper.

COUNT II
NEGLIGENCE

34. Defendants manufacture and sell cleaning products, including detergents, household cleaning solutions, and shampoos including, *inter alia*, the detergents at issue in this case.

35. Defendants had a duty of reasonable care to design, warn, manufacture, market, and sell uncontaminated detergents that are reasonably safe for their intended uses by consumers, such as Plaintiff and her family.

36. Defendants failed to exercise ordinary care in the manufacture, sale, warnings, quality assurance, quality control, distribution, advertising, promotion, sale, and marketing of its detergents in that they knew or should have known that said detergents created a high risk of unreasonable harm to the Plaintiff and consumers alike.

37. Specifically, Defendants were negligent in one or more of the following ways:

- a. Unreasonably failing to implement appropriate processes, procedures, and systems throughout the manufacture of its detergents;

- b. Failing to provide adequate warnings about the risk that the subject detergents;
- c. Failing to ensure that consumers, including Plaintiff, received adequate warnings about the risk that the subject detergents; and/or
- e. Failing to timely recall the subject detergents.

38. Despite the fact that Defendants knew or should have known of these contamination issues, Defendants continued to sell, distribute, and market their detergents to the general public.

WHEREFORE, Plaintiff demands judgment against Defendants for damages, together with interest, costs of suit, and all such other relief as the Court deems proper.

DEMAND FOR JURY TRIAL

Plaintiff demands that all issues of fact of this case be tried to a properly impaneled jury to the extent permitted under the law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against the Defendants for damages, to which she is entitled by law, as well as all costs of this action, interest and attorneys' fees, to the full extent of the law, whether arising under the common law and/or statutory law, including:

- a. judgment for Plaintiff and against Defendants;
- b. damages to compensate Plaintiff for her injuries, economic losses and pain and suffering sustained as a result of the use of the Defendants' detergents.
- c. pre and post judgment interest at the lawful rate;
- d. a trial by jury on all issues of the case;
- e. an award of attorneys' fees; and
- f. for any other relief as this Court 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.

Respectfully Submitted,

Dated: July 13, 2023

JOHNSON BECKER, PLLC

/s/ Lisa A. Gorshe, Esq.

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