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3 **THE BERTCH FIRM**

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8 Counsel for Plaintiffs,

9 *Louise Frances Georskey-Reyna and Martin Morones Reyna*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 FOR THE COUNTY OF RIVERSIDE

12 LOUISE FRANCES GEORSKEY-REYNA,
13 an individual; and MARTIN MORONES
14 REYNA, an individual;

15 Plaintiffs,

16 v.

17 SENSIO INC., a California
18 corporation; KOHL'S, INC., a
19 Delaware corporation; and DOES 1
20 through 100, inclusive, and each of
21 them;

22 Defendants.

Case No. **CVRI 2406714**

ASSIGNED FOR ALL PURPOSES TO:

**COMPLAINT FOR PERSONAL
INJURIES**

1. Strict Products Liability;
2. Negligent Products Liability;
3. Negligent Infliction of Emotional Distress

DEMAND FOR JURY TRIAL



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I.

INTRODUCTION

1. On December 9, 2022, Plaintiffs LOUISE FRANCES GEORSKEY-REYNA and MARTIN MORONES REYNA (“Plaintiffs”) were cooking chicken soup at their home using a Bella 8-qt electric pressure cooker when the product unexpectedly exploded (the “Incident”), spewing scalding hot broth on Plaintiffs and causing serious personal injuries, including but not limited to severe burns on their bodies.

2. Plaintiffs are informed and believe that the subject pressure cooker was manufactured in China by Defendants DOES 1 through 100, and each of them. Defendant SENSIO INC. (“Sensio”) was the importer and United States distributor for the subject pressure cooker and in the retail chain of commerce. Defendant KOHL’S, INC. (“Kohl’s”), sold the subject pressure cooker involved in the Incident.

3. The subject pressure cooker was defective insofar as it allowed consumers to open the cooker’s lid while under pressure, causing a risk of burn injuries when pressurized, heated contents explode from the cooker. Indeed, the subject pressure cooker was voluntarily recalled on August 10, 2023, after Sensio received 63 reports of incidents, including 61 burn injuries, some of which involved second- and third-degree burns to the face, torso, arms, and hands.

4. Other pressure cookers for sale on the market are not susceptible to the same risk of causing burn injuries because they do not share the same defective design that allows the cooker’s lid to be opened under pressure.

5. As a result of the Incident, PlaintiffS suffered significant temporary and permanent bodily injuries which required extensive medical care and treatment for which they have and will continue to incur medical expenses.

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II.
PARTIES

6. At all times relevant, Plaintiffs were residents of the County of Riverside, State of California.

7. At all times relevant, Plaintiffs are informed and believe and thereon allege that Defendant Sensio, a California corporation, was a resident of the County of Riverside, State of California, whether by domicile, incorporation, principal place of business, or by maintaining sufficient minimum contacts in the State of California sufficient for this court to exercise personal jurisdiction over it. Sensio was the United States distributor for the subject pressure cooker and in the retail chain of commerce.

8. At all times relevant, Plaintiffs are informed and believe and thereon allege that Defendant Kohl’s, a Delaware corporation, was a resident of the County of Riverside, State of California, whether by domicile, incorporation, principal place of business, or by maintaining sufficient minimum contacts in the State of California sufficient for this court to exercise personal jurisdiction over it. Kohl’s sold the subject pressure cooker to Plaintiffs at the department store it owned, leased, operated or controlled. At all times relevant, Kohl’s sold pressure cooker products to the public as part of its regular retail business.

9. At all times relevant, Plaintiff is informed and believes, and thereupon alleges, that DOES 1-100, inclusive and each of them, were residents of the State of California, whether by domicile, incorporation, principal place of business, or by maintaining sufficient minimum contacts in the State of California sufficient for this court to exercise personal jurisdiction over them.

10. The true names and capacities, of DOES 1-100, inclusive, and each of them, whether individual, corporate, alter ego, partnership, joint-venture, associate, or otherwise, are unknown to Plaintiff, who thereby sues these

1 Defendants by such fictitious names, and will seek leave of this court to amend
2 this complaint once the true names and capacities are ascertained.

3 11. Plaintiff is informed and believes, and thereupon alleges, that each
4 Defendant named herein as a DOE is responsible in some manner for the events
5 and happenings referred to herein which proximately caused injury to Plaintiff as
6 hereinafter alleged.

7 12. Plaintiff is informed and believes, and thereupon alleges, that each
8 Defendant named herein as a DOE was a manufacturer, wholesaler, distributor,
9 importer, retailer, and/or seller of the subject pressure cooker.

10 13. At all times relevant, Plaintiff is informed and believes, and
11 thereupon alleges, that Defendants and DOES 1-100, inclusive and each of them,
12 acted in the capacity of principal-agent, master-servant, employer-employee,
13 whether general or special, hirer-independent contractor, joint-venture,
14 partnership, or otherwise, and acted under the control of and at the direction of
15 each other defendant, and that such agency relationship existed contractually,
16 apparently, or ostensibly, and that each defendant acted within the scope of such
17 agency or employment, and that each defendant when acting as a principal or
18 employer was and is vicariously liable for the negligent, careless or reckless
19 conduct of each defendant acting within the scope of such agency or employment,
20 and that each defendant when acting as principal or employer was negligent,
21 careless, or reckless in the selection, hiring, training, management, supervision,
22 or each other defendant, and was further negligent, careless or reckless in the
23 entrustment of a vehicle, or other Waterpark, to each and every other defendant,
24 and ratified and approved of the unauthorized conduct of each defendant after it
25 occurred, by conduct, inference, or otherwise.

26 14. This Superior Court has general subject matter jurisdiction over
27 this action, pursuant to California Constitution Article VI section 4.
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15. The relief sought by this Complaint is in excess of \$35,000, the jurisdictional minimum for this Court.

16. Venue in the Superior Court of this county is proper as it is the county in which the occurrences and events giving rise to Plaintiffs’ injuries occurred or is the county in which defendants or some of them reside at the time of the commencement of this action, pursuant to Code of Civil Procedure section 395(a).

III.
GENERAL ALLEGATIONS

17. On December 9, 2022, Plaintiffs LOUISE FRANCES GEORSKEY-REYNA and MARTIN MORONES REYNA (“Plaintiffs”) were cooking chicken soup at their home using a Bella 8-qt electric pressure cooker when the product unexpectedly exploded (the “Incident”), spewing scalding hot broth on Plaintiffs and causing serious personal injuries, including but not limited to severe burns on their bodies.

18. Plaintiffs are informed and believe that the subject pressure cooker was manufactured in China by Defendants DOES 1 through 100, and each of them. Defendant SENSIO INC. (“Sensio”) was the importer and United States distributor for the subject pressure cooker and in the retail chain of commerce. Defendant KOHL’S, INC. (“Kohl’s”), sold the subject pressure cooker involved in the Incident.

19. The subject pressure cooker was defective insofar as it allowed consumers to open the cooker’s lid while under pressure, causing a risk of burn injuries when pressurized, heated contents explode from the cooker. Indeed, the subject pressure cooker was voluntarily recalled on August 10, 2023, after Sensio received 63 reports of incidents, including 61 burn injuries, some of which involved second- and third-degree burns to the face, torso, arms, and hands.

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20. Other pressure cookers for sale on the market are not susceptible to the same risk of causing burn injuries because they do not share the same defective design that allows the subject pressure cooker’s lid to be opened while under pressure.

21. As a result of the Incident, PlaintiffS suffered significant temporary and permanent bodily injuries which required extensive medical care and treatment for which they have and will continue to incur medical expenses.

22. As a direct and proximate result of the Incident, Plaintiffs suffered serious and permanent physical injuries and were harmed in health physically, mentally, and emotionally, as previously alleged herein.

23. As a further direct and proximate result of the Incident, Plaintiffs necessarily employed the services of healthcare professionals, including nurses, physicians, and other specialists to provide care and treatment for Plaintiffs’ injuries.

24. As a further direct and proximate result of the Incident, Plaintiffs necessarily incurred medical expenses, the reasonable amounts of which are currently outstanding, owing, or otherwise due and payable. As a result of such care and treatment, hospitals, government entities, employers, healthcare professionals, and other entities and third parties are entitled to full reimbursement for any amounts paid on behalf of Plaintiffs and have or may assert liens or institute collections actions against Plaintiffs for repayment of these debts which Plaintiffs now owe.

25. As a further direct and proximate result of the Incident, Plaintiffs will necessarily require ongoing and continued care and treatment from healthcare professionals for the indefinite future for the temporary and permanent injuries sustained in the Incident, the costs of which will be significant and will place tremendous financial burden and stress upon Plaintiffs.

1 26. As a further direct and proximate result of the Incident, Plaintiffs
2 have lost income, earnings, salary, and wages.

3 27. As a further direct and proximate result of the Incident, Plaintiffs
4 will continue to miss time from work for the indefinite future and will suffer
5 future lost income and earning capacity due to the inability to perform the job
6 duties and responsibilities in the same manner as before the Incident. As a result,
7 Plaintiffs are expected to be passed over for promotions and other future
8 employment opportunities due to the inability to perform certain necessary job
9 duties and responsibilities as a result of said temporary and permanent injuries.
10 The amount of such future loss is currently unknown and will be determined at
11 the time of trial, according to proof, upon competent testimony from witnesses,
12 including expert witnesses.

13 28. As a further direct and proximate result of the Incident, Plaintiffs
14 suffered temporary and permanent physical pain, mental suffering, loss of
15 enjoyment of life, physical impairment, inconvenience, anxiety, and emotional
16 distress, all to Plaintiffs' damages, the amount of which will be determined at the
17 time of trial according to proof.

18 29. As a further direct and proximate result of the Incident, Plaintiffs
19 will continue to suffer physical pain, mental suffering, loss of enjoyment of life,
20 physical impairment, inconvenience, anxiety, and emotional distress, all to
21 Plaintiffs' damages, the amount of which will be determined at the time of trial
22 according to proof.

23 30. As a further direct and proximate result of the Incident, Plaintiffs
24 are owed interest on the lost earnings and out-of-pocket expenses for co-pays,
25 deductibles, and other medical expenses, reasonably and necessarily incurred,
26 which amounts lost or expended would otherwise have been saved and invested.

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IV.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Strict Products Liability Against All Defendants)

31. Plaintiffs re-allege and incorporate by reference each and every allegation previously made herein.

32. The subject pressure cooker had a defect that caused the harm, injuries, and damages to Plaintiffs as alleged herein.

33. Plaintiffs were harmed, injured, and damaged by a product manufactured, designed, distributed, and/or sold by Defendants Kohl's, Sensio, and Does 1-100, and each of them, and which contained a manufacturing defect and/or design defect and/or which did not contain sufficient instructions or warning of potential safety hazards from use of the product.

34. Defendants, and each of them, at all times relevant were engaged in the business of designing, manufacturing, constructing, assembling, testing, inspecting, importing, wholesaling, distributing, marketing, retailing and/or selling the subject electric pressure cooker that Plaintiffs used.

35. The subject pressure cooker was defective when it was placed into the stream of commerce.

36. The subject pressure cooker was unreasonably dangerous to an extent beyond that which would be contemplated by the ordinary consumer.

37. On December 9, 2022, Plaintiffs were using the subject pressure cooker in a reasonably foreseeable manner when the lid exploded, spewing hot liquid and causing severe personal injuries, including severe burns to Plaintiffs' bodies.

38. The subject pressure cooker that was being used by Plaintiffs was in the same or substantially the same condition as it was when it was manufactured, imported, wholesaled, distributed, marketed, retailed, and/or sold by Defendants

1 and had not been changed or altered or damaged in any material way by
2 Plaintiffs.

3 39. Plaintiffs used the subject pressure cooker in a reasonably
4 foreseeable way and in a way that Defendants knew that consumers would use
5 the product and/or in a way that Defendants should have reasonably expected
6 the product to be used by consumers.

7 40. Defendants placed the subject pressure cooker into the stream of
8 commerce with defects in design and manufacturing and with insufficient
9 warnings which made the product dangerous, hazardous and unsafe for its
10 intended and reasonably foreseeable use.

11 41. The defective nature of the subject pressure cooker included a
12 defective and unsafe design which resulted in opening of the cooker's lid while
13 under pressure, causing the contents therein to explode.

14 42. The subject pressure cooker was defective and unsafe for its
15 intended use. Due to the design and/or manufacturing defects, the product failed
16 to perform as safely as an ordinary consumer would expect when used in an
17 intended or reasonably foreseeable manner.

18 43. The risk of danger in the design of the subject pressure cooker
19 outweighed any benefits of the design and safer alternative designs were available
20 at the time of manufacture. Therefore, the product presented a substantial and
21 unreasonable risk of serious injuries to users of the product or those in the
22 vicinity of use.

23 44. The defective design, manufacturing, or warnings of the subject
24 pressure cooker were a substantial factor in causing Plaintiffs' harm, injuries and
25 damages alleged herein.

26 45. The inherent risks and dangers in using the subject pressure cooker
27 in an intended or reasonably foreseeable way presented a substantial danger to
28 Plaintiffs.

1 46. An ordinary customer would not have recognized the potential risks
2 and inherent dangers in the product.

3 47. Defendants failed to warn of the dangers in the reasonably
4 foreseeable use of the product.

5 48. The failure of Defendants to sufficiently warn of the potential risks
6 and instruct on the safe use, as well as the product's failure to perform safely, was
7 a substantial factor in causing Plaintiffs' harm, injuries and damages as alleged
8 herein.

9 **IV.**

10 **CAUSES OF ACTION**

11 **SECOND CAUSE OF ACTION**

12 **(Negligent Products Liability Against All Defendants)**

13 49. Plaintiffs re-allege and incorporate by reference each and every
14 allegation previously made herein.

15 50. Defendants Sensio, Kohl's, and Does 1-100, and each of them,
16 designed, manufactured, inspected, imported, wholesaled, distributed, marketed,
17 retailed, and/or sold the subject pressure cooker that injured Plaintiffs.

18 51. Defendants negligently, recklessly, and carelessly designed,
19 manufactured, inspected, imported, wholesaled, distributed, marketed, retailed,
20 and/or sold the subject pressure cooker such that it was dangerous and unsafe for
21 its intended and/or reasonably foreseeable use.

22 52. Defendants owed a duty to Plaintiffs to use reasonable care in the
23 designing, manufacturing, supplying, inspecting, importing, wholesaling,
24 distributing, marketing, retailing, and/or selling of the subject pressure cooker to
25 ensure that the product was safe for its reasonably foreseeable use.

26 53. Defendants failed to exercise the amount of care necessary under
27 the circumstances to avoid exposing Plaintiffs and others to a foreseeable risk of
28 harm.

1 54. Defendants knew or should have known that the subject pressure
2 cooker was dangerous when used in a reasonably foreseeable manner.

3 55. Defendants knew or should have known that users would not
4 realize the risk of opening of the cooker’s lid while under pressure and ejection of
5 pressurized contents.

6 56. Defendants failed to adequately warn, inform, instruct, and apprise
7 Plaintiffs and public consumers of the above known risks and the defective and
8 unsafe condition of the subject pressure cooker and on safe use of the product.

9 57. Defendants’ failure to warn or instruct was a substantial factor in
10 causing Plaintiffs’ harm.

11 58. Defendants’ acts, omissions, and negligence were a substantial
12 factor in causing the Incident and Plaintiffs’ injuries and damages alleged herein.

13 **IV.**

14 **CAUSES OF ACTION**

15 **THIRD CAUSE OF ACTION**

16 **(Negligent Infliction of Emotional Distress Against All Defendants)**

17 59. Plaintiffs re-allege and incorporate by reference each and every
18 allegation previously made herein.

19 60. Defendants Sensio, Kohl’s, and Does 1-100, and each of them,
20 negligently designed, manufactured, inspected, imported, wholesaled,
21 distributed, marketed, retailed, and/or sold the subject pressure cooker that
22 injured Plaintiffs.

23 61. Plaintiff LOUISE FRANCES GEORSKEY-REYNA suffered serious
24 emotional distress as a result of perceiving her husband suffer severe burns to his
25 body after the subject pressure cooker exploded as the direct and proximate
26 result of Defendants’ negligence. She was present at the scene of the Incident
27 when it occurred and was then aware that the Incident was causing injury to her
28 husband. She suffered serious emotional distress as a result. Defendants’

1 negligence was a substantial factor in causing her serious emotional distress.
2 *Dillon v. Legg* (1968) 68 Cal.2d 728, 738; *Thing v. La Chusa* (1989) 48 Cal.3d
3 644, 647.

4 62. Plaintiff MARTIN MORONES REYNA suffered serious emotional
5 distress as a result of perceiving his wife suffer severe burns to her body after the
6 subject pressure cooker exploded as the direct and proximate result of
7 Defendants’ negligence. He was present at the scene of the Incident when it
8 occurred and was then aware that the Incident was causing injury to his wife. He
9 suffered serious emotional distress as a result. Defendants’ negligence was a
10 substantial factor in causing his serious emotional distress. *Dillon v. Legg* (1968)
11 68 Cal.2d 728, 738; *Thing v. La Chusa* (1989) 48 Cal.3d 644, 647.

12
13 **V.**

14 **PRAYER FOR RELIEF**

15 Wherefore, Plaintiffs LOUISE FRANCES GEORSKEY-REYNA and
16 MARTIN MORONES REYNA pray for judgment against SENSIO INC., KOHL’S,
17 INC. (“Kohl’s”) and DOES 1-100, and each of them, for damages in an amount in
18 excess of the minimal jurisdictional limits of this Court, according to proof, as
19 follows:


- 20 1. General damages, including but not limited to:
- 21 a. Past and future physical pain, mental suffering, loss of enjoyment of life,
22 physical impairment, inconvenience, anxiety, disfigurement and
23 emotional distress
- 24 2. Special damages, including but not limited to:
- 25 a. Past and future medical expenses
26 b. Past and future loss of earnings and earning capacity
- 27 3. Prejudgment interest
- 28 4. Costs of suit

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5. Such other and further relief as this Court deems just and proper.

Dated: December 6, 2024

THE BERTCH FIRM

By: 

WHITNEY D. BERTCH
Attorney for Plaintiff,
*Louise Frances Georskey-Reyna and
Martin Morones Reyna*



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DEMAND FOR JURY TRIAL

Plaintiffs LOUISE FRANCES GEORSKEY-REYNA and MARTIN MORONES REYNA hereby demands a trial by jury on all causes of action to which Plaintiff has a right to trial by jury, pursuant to California Code of Civil Procedure section 631 and Section 16 of Article I of the California Constitution.

Dated: December 6, 2024

THE BERTCH FIRM



By: _____

WHITNEY D. BERTCH
Attorney for Plaintiff,
*Louise Frances Georskey-Reyna and
Martin Morones Reyna*



