

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

MELISSA M. MASARTIS,

CIVIL DIVISION

Plaintiff,

Docket No.:

vs.

Code No.

GUANGDONG LIKOU BEAUTY SUPPLY
CO. LTD.,

COMPLAINT IN CIVIL ACTION

Defendant.

Filed on behalf of Plaintiff:
Melissa M. Masartis

Counsel of Record for this Party:
Michael E. Megrey, Esquire
PA I.D. # 313748

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JURY TRIAL DEMANDED

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

MELISSA M. MASARTIS,

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Plaintiff,

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CO. LTD.,

Defendant.

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

**Lawyer Referral Service
Allegheny County Bar Association
11th Floor Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219
(412) 261-5555**

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Defendant.

COMPLAINT IN CIVIL ACTION

Plaintiff, Melissa M. Masartis, by and through her attorneys, Michael E. Megrey, Esquire, and Woomer & Talarico, complains and alleges as follows:

1. Plaintiff Melissa M. Masartis (hereinafter "Plaintiff") is an adult individual residing in Allegheny County, Pennsylvania.
2. Defendant Guangdong Likou Beauty Supply Co. Ltd. (hereinafter "Defendant") is a Chinese limited company with a registered address located at No. 28 Beitai Road, Taihe Village, Guangzhou, China 510545.
3. At all times relevant and material hereto, the Defendant acted by and through their agents, servants, employees, representatives, assignees, subsidiaries, predecessors and successors in interest.
4. At all times relevant and material hereto, Defendant conducted business throughout the Commonwealth of Pennsylvania and Allegheny County, purposefully availing themselves of all local and state laws therein.

5. At all times relevant and material hereto, Defendant was in the business of developing, testing, manufacturing, constructing, inspecting, installing, marketing, promoting, advertising, selling, and/or distributing sauna pods and other similar products.

6. At all times relevant and material hereto, Defendant independently or jointly with their predecessors, subsidiaries, parent, or related companies, designed, developed, tested, manufactured, assembled, constructed, inspected, installed, marketed, promoted, advertised, sold, and/or distributed a sauna pod, specifically, the Model LK-216F Infrared Spa Capsule.

7. On or about September 25, 2020, a Model LK-216F Infrared Spa Capsule (hereinafter “sauna pod”) was purchased from Defendant by Fit America Weight Loss Spa.

8. On April 14, 2023, Plaintiff was on the premises of Fit America Weight Loss Spa, using the at-issue sauna pod.

9. On the aforementioned date, the sauna pod reached unsafe temperature levels and/or otherwise malfunctioned, causing severe burns to Plaintiff’s lower abdomen.

10. As a direct and proximate result of the aforementioned incident, Plaintiff sustained the following injuries, some or all of which are or may be permanent:

- a. Severe burns to the lower abdominal area;
- b. Permanent scarring and disfigurement;
- c. Post-traumatic stress disorder;
- d. Bruises, contusions and other injuries in or about nerves, muscles, bones, tendons, ligaments, tissues and vessels of the body; and
- e. Nervousness, emotional tension, anxiety and depression.

11. As a direct and proximate result of the aforementioned accident, Plaintiff sustained the following damages, some or all of which are or may be permanent or on-going:

- a. She was required to undergo a debridement and flap reconstruction of the lower abdominal burn;

- b. She has endured, and will continue to endure great pain, suffering, inconvenience, embarrassment, mental anguish, monetary expenditures for the care of her injury, and emotional and psychological trauma;
- c. She has been, and will be required to, expend large sums of money for medical treatment and care, medical supplies, rehabilitation and therapeutic treatment, medicines and other attendant services;
- d. Her general health, strength and vitality have been impaired;
- e. She may, in the future, have to face at least one, and possibly numerous, surgeries;
- f. She has sustained and will continue to sustain lost earnings and her earning capacity has been and may be permanently impaired; and,
- g. She has been and will in the future be unable to enjoy various pleasures of life that she previously enjoyed.

COUNT I
Plaintiffs v. Defendant
Strict Liability

12. Plaintiff incorporates, by reference, all preceding paragraphs as if set forth at length herein.

13. At all times relevant and material hereto, Defendant was engaged in the business of designing, developing, testing, promoting, manufacturing, assembling, and/or selling consumer and household products, including the subject sauna pod.

14. At all times relevant and material hereto, Defendant owed Plaintiff a duty to design, manufacture, supply, sell, and/or distribute a product free of manufacturing and design defects and containing adequate warnings.

15. At the time of the manufacture, sale, and time of Plaintiff's injuries, the subject sauna pod was defective and unreasonably dangerous for use by intended and foreseeable users and consumers, including Plaintiff.

16. The subject sauna pod was in the same or substantially similar condition when it injured Plaintiff as when it left Defendant's possession.

17. The subject sauna pod was expected to reach, and did reach, the consumer, including Plaintiff, without any substantial material change in the condition in which it was sold by Defendant.

18. Plaintiff did not materially alter the sauna pod.

19. At all times relevant and material hereto, Plaintiff could not have discovered the defects and risks described herein, nor could she have been expected to perceive their danger, and thus, the unreasonably dangerous and defective condition was unknown and unknowable to Plaintiff.

20. The sauna pod in question was defective when sold and was defective under Section 402A of the *Restatement (Second) of Torts*, adopted as Pennsylvania law in *Webb v. Zern*, 422 Pa. 424 (1966), in that:

- a. It was improperly designed, as set forth above;
- b. It was comprised of substandard and/or deficient materials;
- c. It was defectively manufactured;
- d. It lacked adequate warnings or instructions;
- e. It malfunctioned; and
- f. There were no warnings on the sauna pod for the risks that were caused by the design of the sauna pod.

21. The defective, unreasonably dangerous and unsafe design of the sauna pod was the direct and proximate cause of Plaintiff's injuries as set forth in detail above.

22. By reason of Defendant's designing, manufacturing, testing, marketing, assembling, selling, and distributing the sauna pod in a defective and unreasonably dangerous condition,

Defendant is strictly liable to Plaintiff for her injuries and damages pursuant to Section 402A of the *Restatement (Second) of Torts* and Pennsylvania law.

WHEREFORE, Plaintiff requests judgment for damages against Defendant in an amount in excess of the jurisdictional limits of compulsory arbitration, together with court costs, interest, and such other and further relief as this Honorable Court may deem just and equitable.

COUNT II
Plaintiff v. Defendant
Negligence

23. Plaintiff incorporates, by reference, all preceding paragraphs as if set forth at length herein.

24. As designer, manufacturer, supplier, seller, and/or distributor of the sauna pod at issue, Defendant had a duty to take reasonable steps to ensure that purchasers and/or users of its sauna pods are supplied with a product free of design, manufacturing, and warning defects.

25. Defendant breached its duty by negligently placing the sauna pod into the stream of commerce when they knew or should have known that the design, manufacture, and warning labeling of the sauna pod were defective, unreasonably dangerous, and created a high risk of unreasonable harm to Plaintiff and consumers in general.

26. In designing, manufacturing, and selling the subject sauna pod, Defendant undertook a duty to Plaintiff.

27. Defendant breached the duty of care owed to Plaintiff.

28. At the time Defendant designed and/or manufactured the sauna pod, it knew or should have known that the sauna pod was prone to overheating and lacked adequate safety features and/or warnings in light of the product's expected use.

29. Plaintiff's injuries and damages were a direct and proximate result of Defendant's negligence in the following particulars:

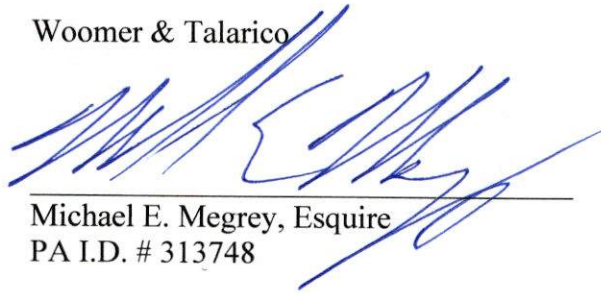
- a. In failing to ensure that the design of the sauna pod was safe for use by its purchasers and/or users;
- b. In failing to ensure that the design of the sauna pod contained the necessary safety precautions, measures, and devices to prevent it from overheating when in use by its purchasers and/or users;
- c. In failing to properly, adequately, and frequently inspect and test the design of the sauna pod to discover possible design defects and to ensure that the sauna pod contained the necessary safety measures and devices to prevent it from overheating when in use by its purchasers and/or users;
- d. In failing to repair or otherwise redesign the sauna pod to eliminate defects and safety hazards that Defendant knew or should have known existed;
- e. In failing to supervise and/or monitor its employees to ensure that its products were designed, engineered, manufactured, and/or sold in a safe and proper manner;
- f. In designing a defective product and/or utilizing defective and/or outdated designs and procedures for the manufacture, assembly, sale, and distribution of the sauna pod;
- g. In failing to adequately warn purchasers and/or users of the sauna pod of the possible dangers that Defendant knew or should have known were associated with the sauna pod;
- h. In failing to adequately warn purchasers and/or users of the sauna pod about the sauna pod's dangers and the reasonably foreseeable hazards associated with its intended use in various foreseeable situations; and
- i. In failing to inspect the sauna pod prior to placing it in the stream of commerce to ensure that it was safe and had not been made dangerous by wear or alteration.

30. As a direct and proximate result of the negligence, carelessness, and recklessness of Defendant, Plaintiff has sustained the injuries set forth in detail above.

WHEREFORE, Plaintiff requests judgment for damages against Defendant in an amount in excess of the jurisdictional limits of compulsory arbitration, together with court costs, interest, and such other and further relief as this Honorable Court may deem just and equitable.

A JURY TRIAL IS DEMANDED.

Woomer & Talarico



Michael E. Megrey, Esquire
PA I.D. # 313748

Woomer & Talarico
Three Parkway Center, Suite 300
Pittsburgh, PA 15220
Tele # (412) 388-0848

VERIFICATION

I, Melissa M. Masartis, being duly sworn according to law, depose and say that the facts contained in the foregoing Complaint in Civil Action are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Melissa M. Masartis

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