

locking handle” that purport to make sure the lid “won’t open while there is pressure inside the pot.”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 Zavor’s claims to the contrary, 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. Here, the pressure cooker’s lid was able to be rotated and opened while the pressure cooker was still under pressure, causing Plaintiff serious and substantial bodily injuries and damages.

4. Defendant Zavor knew or should have known of these defects but nevertheless put profit ahead of safety by continuing to sell its Pressure Cookers to consumers, failing to warn said consumers of the serious risks posed by the defects, and failing to timely recall the dangerously defective Pressure Cookers despite the risk of significant injuries to Plaintiff and consumers like her.

5. Defendant Zavor ignored and/or concealed its knowledge of these defects in its Pressure Cookers from the Plaintiff in this case, as well as the public in general, in order to continue generating a profit from the sale of said Pressure Cookers, demonstrating a callous, reckless, willful, depraved indifference to the health, safety and welfare of Plaintiff and consumers like her.

² *Id.*

6. As a direct and proximate result of Defendant Zavor'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 CLAUDIA CASTRILLON

7. Plaintiff is a resident and citizen of the City of Boca Raton, County of Palm Beach, State of Florida.

8. On or about August 2, 2019, 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 features, which purport to keep the consumer safe while using the pressure cooker. In addition, the incident occurred as the result of Defendant Zavor's failure to redesign the Pressure Cooker, despite the existence of economical, safer alternative designs.

DEFENDANT MARKET SOLUTIONS GROUP, INC. d/b/a ZAVOR

9. Defendant Zavor designs, manufactures, markets, imports, distributes, and sells a variety of consumer kitchen products including pressure cookers, induction cooktops, cookware, and air-fryers, amongst others.

10. Defendant Zavor is a New Jersey Corporation, with a principal place of business located at 125 Broad Avenue, Suite 18, North Bergen, New Jersey 07047, and does business in all 50 states. Defendant Zavor is therefore deemed to be a resident and citizen of the state of New Jersey.

JURISDICTION AND VENUE

11. 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.

12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because Plaintiff is a resident and citizen of the State of Florida, and all or a substantial part of the events or omissions giving rise to this claim occurred in this district.

13. Venue is also proper in this Court pursuant to 28 U.S.C. § 1391 because Defendant Zavor has sufficient minimum contacts with the State of Florida and intentionally availed itself of the markets within Florida through the promotion, sale, marketing, and distribution of its products.

FACTUAL BACKGROUND

14. Defendant Zavor is engaged in the business of designing, manufacturing, warranting, marketing, importing, distributing, and selling the Pressure Cookers at issue in this litigation.

15. Defendant Zavor touts the “safety”³ of its pressure cookers, asserting that “ZAVOR pressure cookers are manufactured and designed with a concern for function and safety, meeting all international safety standards.”⁴

16. According to the User’s Manual accompanying each individual unit sold, the pressure cookers possess a variety of safety features which claim to keep consumers safe. These purported safety features include:

- a. **Pressure Lock:** “The Versa Express pressure cooker has an automatic locking mechanism, which means that by aligning the lid handle with the pot handle and sliding the lid handle to the left the pressure cooker will lock by itself...For safety reasons, the unit will not build pressure if the pressure lock has not click into place. This measure *guarantees that the cooker will never open while it’s under pressure.*”⁵

³ See, e.g. ZAVOR Versa Express Pressure Cooker User’s Manual, pgs. 5, 7. A copy of the User Manual is attached hereto as “Exhibit A.”

⁴ *Id.* at pg. 5.

⁵ *Id.* at pg. 7.

- b. **Safety Valve:** “Located under the lid, the safety valve is activated in case of excess pressure buildup...*The pressure cooker cannot be opened if there is still pressure inside the cooker.*”⁶
- c. **Pressure Indicator:** “[I]f the pressure indicator is raised, there is pressure inside the cooker and *the pressure cooker cannot be opened.* The pressure lock on the lid will be blocked and will not slide to the open position. If the pressure indicator is not raised, there is no pressure inside the cooker, and you can safely open the lid.”⁷

(Emphasis Added)

17. Defendant Zavor further asserts that its pressure cookers have been designed to prevent “accidental opening of the cooker while under pressure,” stating:

together. The pressure cooker will lock by itself. For safety reasons, the unit will not build pressure if the pressure lock has not clicked into place. This is a safety measure designed to prevent accidental opening of the cooker while under pressure. The lock will block automatically as soon as the pressure indicator has risen, and will unblock only when the pressure indicator has dropped again.

See, ZAVOR Versa Express User’s Manual, pg. 9.

18. 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.

19. By reason of the forgoing acts or omissions, the above-named Plaintiff used the Pressure

⁶ *Id.*

⁷ *Id.*

Cooker for 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.

20. Plaintiff used her Pressure Cooker for its intended purpose of preparing meals for herself and/or her family and did so in a manner that was reasonable and foreseeable by Defendant Zavor.

21. However, the aforementioned Pressure Cooker was defectively designed and manufactured by Defendant Zavor 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.

22. Defendant Zavor'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.

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

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

25. Defendant Zavor knew or should have known that its Pressure Cookers possessed defects that pose a serious safety risk to Plaintiff and the public. Nevertheless, Defendant 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.

26. As a direct and proximate result of Defendant Zavor's intentional 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 the explosive removal of the lid of the Pressure Cooker.

27. Consequently, the Plaintiff in this case seeks damages resulting from the use of Defendant Zavor'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.

CLAIMS FOR RELIEF

COUNT I **STRICT LIABILITY**

28. Plaintiff incorporates by reference each preceding paragraph as though set forth fully at length herein.

29. At the time of Plaintiff's injuries, Defendant Zavor's Pressure Cookers were defective and unreasonably dangerous for use by foreseeable consumers, including Plaintiff.

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

31. Plaintiff and her family did not misuse or materially alter the Pressure Cooker.

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

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

- a. The Pressure Cookers designed, manufactured, sold, and supplied by Defendant were defectively designed and placed into the stream of commerce in a defective and 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. Defendant Zavor failed to properly market, design, manufacture, distribute, supply, and sell the Pressure Cookers, despite having extensive knowledge that the aforementioned injuries could and did occur;
- d. Defendant Zavor failed to warn and place adequate warnings and instructions on the Pressure Cookers;
- e. Defendant Zavor failed to adequately test the Pressure Cookers; and
- f. Defendant Zavor failed to market an economically feasible alternative design, despite the existence of economical, safer alternatives, that could have prevented the Plaintiffs' injuries and damages.

34. Defendant Zavor's actions and omissions were the direct and proximate cause of Plaintiff's injuries and damages.

WHEREFORE, Plaintiff demands judgment against Defendant Zavor for damages, together with interest, costs of suit, and all such other relief as the Court deems proper. Plaintiff reserves the right to amend this Complaint to include a claim for punitive damages according to proof.

COUNT II
NEGLIGENCE

35. Plaintiff incorporates by reference each preceding paragraph as though set forth fully at length herein.

36. Defendant Zavor had a duty of reasonable care to design, manufacture, market, and sell non-defective Pressure Cookers that are reasonably safe for their intended uses by consumers, such as Plaintiff and her family.

37. Defendant Zavor failed to exercise ordinary care in the manufacture, sale, warnings, quality assurance, quality control, distribution, advertising, promotion, sale, and marketing of its Pressure

Cookers in that Defendant knew or should have known that said Pressure Cookers created a high risk of unreasonable harm to the Plaintiff and consumers alike.

38. Defendant Zavor was negligent in the design, manufacture, advertising, warning, marketing, and sale of its Pressure Cookers in that, among other things, it:

- 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. Was otherwise careless or negligent.

39. Despite the fact that Defendant Zavor knew or should have known that consumers were able to remove the lid while the Pressure Cookers were still pressurized, Defendant continued to market its pressure cookers to the general public (and continues to do so).

WHEREFORE, Plaintiff demands judgment against Defendant Zavor for damages, together with interest, costs of suit, and all such other relief as the Court deems proper. Plaintiff reserves the right to amend this Complaint to include a claim for punitive damages according to proof.

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 Defendant for damages, including punitive damages if applicable, to which she is entitled by law, as well as all costs of

this action and interest, to the full extent of the law, whether arising under the common law and/or statutory law, including:

- a. judgment for Plaintiff and against Defendant;
- b. damages to compensate Plaintiff for her injuries, economic losses and pain and suffering sustained as a result of the use of the Defendant's Pressure Cooker;
- c. pre and post judgment interest at the lawful rate;
- d. a trial by jury on all issues of the case; and
- e. 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 12, 2023

JOHNSON BECKER, PLLC

/s/ Lisa A. Gorshe, Esq.

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