

CASE REPORT

EMAIL CASE

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Products Liability

Ceramic baking dish broke the first time it was used, cut artery

Settlement: \$2,600,000.00

Case Type: Design Defect, Products Liability - Breach of Warranty

Case: Michele "Shelly" Wasserman v. Pampered Chef Ltd., Clinton Imperial China Inc., Harris Potteries and Ellen Pickman, No. LC 063512

Venue: Superior Court of Los Angeles County, Van Nuys, CA

Judge: Michael B. Harwin

Date: 03-26-2004

PLAINTIFF(S)

Attorney:

- Benjamin Schonbrun; Schonbrun DeSimone Seplow Harris & Hoffman, L.L.P.; Venice, CA, for Michele "Shelly" Wasserman
- Michael D. Seplow; Schonbrun DeSimone Seplow Harris & Hoffman; Venice, CA, for Michele "Shelly" Wasserman

Expert:

- Don Barker Ph.D.; Consumer Products; College Park, MD called by: Benjamin Schonbrun
- Steven Richeimer M.D.; Pain Management; Los Angeles, CA called by: Benjamin Schonbrun
- Rajendra Bordia Ph.D.; Materials; Seattle, WA called by: Benjamin Schonbrun

DEFENDANT(S)

Attorney:

- Daniel M. Crowley; Booth, Mitchel & Strange; Los Angeles, CA, for Pampered Chef LTD, Ellen Pickman
- Daniel R. Friedenthal; Friedenthal, Cox & Herskovitz; Pasadena, CA, for Clinton Imperial China

Expert:

- David Earl Ph.D.; Materials Science; Alfred, NY called by: Daniel Crowley, Daniel Friedenthal, Jane Randolph
- Franklin Kozin M.D.; Rheumatology; La Jolla, CA called by: Daniel Crowley, Daniel Friedenthal, Jane Randolph
- Jack Rubin; Materials; Minneapolis, MN called by: Daniel Crowley, Daniel Friedenthal, Jane Randolph

INSURER:

- CNA (Firemans Fund)

FACTS:

On March 7, 2002, plaintiff Michele "Shelly" Wasserman, 57, was injured when a ceramic baking dish broke in her hand the first time she used it and severed an artery.

Wasserman sued the pan's vendor Pampered Chef Ltd. of Addison, Ill. and its manufacturer Clinton Imperial China operating as Harris Potteries, Marshall, Texas. She contended that the stoneware was defective in its design and manufacture. Sepcificially, she alleged that there was residual stress in the product that caused it to break when used as directed. She further contended that the defendants were aware that their stoneware products were defective because numerous customers had previously complained that the products had broken when used as directed.

The defendants denied that the ceramic baking dish was defective and disputed Wasserman's damages. Their medical expert, Franklin Kozen, a rheumatologist, testified that Wasserman's injuries were attributable to ulnar neuropathy caused by preexisting diabetes.

INJURY:

Wasserman claimed that after her right ring finger was sutured, she developed reflex sympathetic dystrophy (RSD) or complex regional pain syndrome (CRPS). Pain medication including Oxycontin was prescribed. An electric stimulator was surgically implanted onto her spine to help control her excruciating pain. She alleged it would have to be surgically replaced periodically. Wasserman claimed \$90,000 in past medical expenses and more than \$1 million for future medical expenses.

VERDICT INFORMATION:

The claim was settled for \$2.6 million.