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JOLEEN DUDEK and CRAIG DUDEK,
Individually and as Co-Administrators of the
Estate of [REDACTED],
deceased

7523 El Cerro Drive
Buena Park, CA 90620

Plaintiffs

v.

IKEA U.S. RETAIL, LLC
420 Alan Wood Road
Conshohocken, PA 19428

and

IKEA OF SWEDEN AB
343 34 Älmholt, Sweden

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

DECEMBER TERM, 2017

No. 4131

Jury Trial Demanded

NOTICE

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE, SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFFICIENTE DE PAGAR RAL SERVICIO, VAYA EN PERSONA O LLAME POR TELEFONO A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

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Case ID: 171204131

CIVIL ACTION COMPLAINT

Plaintiffs Joleen Dudek and Craig Dudek, Individually and as Co-Administrators of the Estate of [REDACTED], deceased, by and through their undersigned counsel, Feldman Shepherd Wohlgernter Tanner Weinstock & Dodig, LLP, file this Complaint and aver as follows:

I. PARTIES

1. Plaintiffs Joleen Dudek and Craig Dudek are the Co-Administrators of the Estate of their son, [REDACTED], deceased, having been so appointed by the Orange County Superior Court for the State of California.

2. Plaintiffs Joleen Dudek and Craig Dudek reside at 7523 El Cerro Drive, Buena Park, CA 90620.

3. Defendant IKEA U.S. Retail, LLC is a Virginia Limited Liability Company with a principal place of business located at 420 Alan Wood Road, Conshohocken, PA 19428.

4. Defendant IKEA of Sweden AB is a company with an address for service of process at 343 34 Älmholt, Sweden.

5. Defendants IKEA U.S. Retail, LLC and IKEA of Sweden AB shall hereinafter be referred to as “IKEA” or the “IKEA defendants”.

6. At all times relevant hereto, all defendants regularly and continuously conducted business in the Commonwealth of Pennsylvania and in the City and County of Philadelphia.

II. FACTS

7. At all times relevant hereto, the IKEA defendants designed, manufactured, tested, distributed and sold furniture throughout the United States, including at IKEA retail stores in Pennsylvania and California.

8. Among the items of furniture available for purchase at IKEA retail stores was the MALM three-drawer chest or dresser (the “MALM dresser”), manufactured of particle board and weighing approximately 70 pounds.

9. The MALM dresser was part of a line of similar dressers (collectively the “MALM line”) sold by the IKEA defendants, which included the three-drawer (“MALM 3”), four-drawer (“MALM 4”), five-drawer (“MALM 5”), six-drawer (“MALM 6”) and six-drawer long (“MALM 6 Long”) chests and dressers.

10. In addition to the MALM line, the IKEA defendants sold numerous lines of substantially similar furniture sharing design characteristics and instructions with the MALM line, including but not limited to the ALESUND, ALVESTA, ANEBODA, ANGUS, ÅNES, ARUP, ASKEDAL, ASKVOLL, ASPELUND, BALSTAR, BANKERYD, BERGSMO, BIALITT, BIRKELAND, BJÖRKVALLA, BJÖRN, BLIMP, BOJ, BOKSTA, BRETT, BRIMNES, BRUSALI, BUSUNGE, DIKTAD, EDLAND, ELIS, ENGAN, ESKIL, FJELL, FJORD, FLATEN, FRIDOLIN, GUTE, GRANAS, HADDAL, HAJDEBY, HEMNES, HENSVIK, HERRESTAD, HOPEN, HOSTELAND, HOLLEBY, HOVDA, HURDAL, KABIN, KIRKENES, KNOT, KOPPANG, KUSK, KULLEN, KURS, KVIBY, LEKSVIK, LO, LOMEN, MAC, MAST, MAMMUT, MANDAL, MERÅKER, MIDSUND, NATURA, NARVIK, NORDLI, NORDNES, NORNÄS, NYVOLL, OTTENBY, RANVIK, RAKKE, RAMBERG, RODD, ROBIN, RUSTIK, SALA, SANDEFJORD, STOCKHOLM, STRANDA, STUVA,

SUNDBVIK, SVEIO, STAVANGER, SYDVAST, TARVA, TASSA, TRANDUM, TORE, TOVIK, TRANDUM, TROGEN, TROFAST, TRONDHEIM, TRYSIL, TYSSDAL, UNDREDAL, VARDE, VALLVIK, VAJER, VESTBY, VINSTRA, VISDALEN and VOLLEN lines. (See Exhibit “A”, List of IKEA Chests/Dressers).

11. At all times relevant hereto, the IKEA defendants knew that MALM dressers would be used in homes, apartments and other residential environments, including in children’s rooms and rooms where children would be sleeping and playing.

12. At all times relevant hereto, the IKEA defendants knew that MALM dressers would be used in environments in which the dresser was used by and/or accessible to small children.

13. In fact, the IKEA defendants specifically recognized that the drawers of the MALM line were easy for children to climb on.

14. According to Lars Petersson, the President of IKEA USA who was authorized to speak for the IKEA defendants, at all times relevant hereto, IKEA was aware that “[c]hests and drawers are a very tempting playground for children [because] they are using the drawers as a ladder. If children are doing that, the risk of tip-over is very high.”

15. At all times relevant hereto, the IKEA defendants knew that MALM dressers would be used on a variety of surfaces and in rooms with various configurations.

16. At all times relevant hereto, the IKEA defendants knew that MALM dressers lacked counterbalancing weight on the back and bottom of the dresser, causing the dresser to be top-heavy and front-heavy, so as to render it unstable even when used in an intended and/or foreseeable manner.

17. At all times relevant hereto, the IKEA defendants knew that MALM dressers, when used as free-standing units, presented an unreasonable tip-over hazard and were dangerously unsafe for their intended and/or foreseeable use, particularly in environments in which the dresser was used by and/or accessible to small children.

18. At all times relevant hereto, the IKEA defendants had actual knowledge that IKEA furniture and the MALM line in particular was regularly used in consumer's homes where children were present without being secured to a wall.

19. At all times relevant hereto, the IKEA defendants knew that MALM dressers failed to meet minimum stability requirements for tip-over prevention contained in industry standards, including ASTM F2057.

20. Because the IKEA defendants knew that the MALM line would not meet minimum stability requirements for tip-over prevention contained in industry standards, they intentionally, willfully, wantonly and recklessly decided to exclude the MALM line from testing for compliance with those standards as well as for compliance with the IKEA defendants' own internal tip-over requirements.

21. Defendant IKEA U.S. Retail, LLC is headquartered in Pennsylvania at IKEA's North American headquarters located in Conshohocken, Pennsylvania.

22. All of IKEA's North American corporate offices are located at the Conshohocken, Pennsylvania location.

23. Although the sale of the specific MALM dresser which tipped over and killed [REDACTED] (the "subject dresser" or the "subject MALM dresser") occurred in California, the California store is owned, controlled and managed by defendant IKEA U.S. Retail, LLC, which is located in Pennsylvania.

24. Thus, the entity that was responsible for the sale of the subject dresser, a “seller” under 402A of the Restatement (Second) of Torts, is a corporate entity located and headquartered in Pennsylvania.

25. All of the critical decisions with respect to the manner of operation of the California IKEA store where the subject dresser was purchased were made in Pennsylvania.

26. All of the critical decisions with respect to how IKEA conducts business in the United States were made at IKEA’s Pennsylvania offices.

27. There are no other IKEA corporate offices located in the United States other than IKEA’s offices located in Pennsylvania.

28. IKEA’s offices in Pennsylvania control its entire North American operations, including controlling the approximately 51 IKEA stores in North America.

29. IKEA U.S. Retail, LLC and its predecessor entities are intimately involved with compliance issues relating to the North American market.

30. All compliance decisions made by IKEA U.S. Retail, LLC and its predecessor entities were made in Pennsylvania.

31. Representatives of the IKEA defendants regularly attend ASTM meetings, including ASTM 15.42 furniture safety meetings.

32. These meetings which the IKEA defendants attend are held at ASTM’s headquarters in Conshohocken, located in Pennsylvania.

33. The IKEA defendants regularly communicate with the United States Consumer Product Safety Commission (“CPSC”).

34. All communications to the CPSC from any IKEA entity originate from the Pennsylvania offices of IKEA.

35. In addition to being the United States headquarters of the IKEA defendants, the Pennsylvania offices also include the headquarters of numerous other IKEA entities which operate in North America.

36. IKEA's Pennsylvania offices serve as a clearinghouse for all claims, complaints and communications with IKEA consumers in North America, including the United States.

37. Any and all communications with consumers in the United States originate from or are approved by IKEA's Pennsylvania headquarters.

38. IKEA intentionally located its United States corporate offices in Pennsylvania.

39. To the extent that any design, testing and decision making with respect to the subject product took place in the United States, all such decisions would have taken place at IKEA's Pennsylvania headquarters.

40. IKEA located its corporate offices in Pennsylvania with the recognition that it was subjecting itself to Pennsylvania law.

41. IKEA executives located in Pennsylvania made all decisions with respect to whether IKEA furniture sold in the United States, including the MALM dresser line, would meet ASTM standards for safety and stability.

42. Any decisions with respect to warnings and instructions specific to the United States market would have been made at IKEA's Pennsylvania headquarters.

43. Any decisions with respect to the "repair program" instituted by IKEA for the MALM dresser line, and the recall of the entire MALM line and other IKEA furniture models, would have been made at IKEA's Pennsylvania headquarters.

44. Any decisions related to advertising in the North American market would have been made at IKEA's Pennsylvania headquarters.

45. According to IKEA USA President Lars Petersson, the MALM line was never designed to be free-standing and could not be used safely unless the dresser was secured to a wall.

46. Despite the above, the IKEA defendants intentionally marketed and sold the MALM line of dressers as free-standing furniture units despite actual knowledge that the dressers presented a risk of serious injury or death when used in this manner.

47. Prior to the sale of the MALM dresser line in the United States, the IKEA defendants' own internal testing, as well as the testing of outside laboratories, confirmed that MALM dressers posed an unreasonable tip-over hazard.

48. At all times relevant hereto, the IKEA defendants had identified a risk of serious injury to children from tip-overs arising from the inherently unstable design of the MALM dresser line, and considered modifying the design. However, the design of the MALM line was never modified to address the known tip-over hazard and injury risk.

49. At all times relevant hereto, the IKEA defendants recognized that the ASTM F2057 standard was the leading industry standard for the furniture industry in the United States, and further recognized that the MALM line did not comply with the standard.

50. Because the IKEA defendants became concerned that the ASTM F2057 standard might become mandatory and as a result IKEA would no longer be able to sell its non-compliant furniture including the MALM line in the United States, the IKEA defendants began to explore design changes to make the furniture compliant with the standard.

51. The IKEA defendants considered design changes to make the MALM line compliant with the ASTM F2057 standard not out of concern for child safety, but because of the

potential loss in profits associated with an interruption in sales of the MALM line and other non-compliant furniture.

52. In exploring design changes to make the MALM line compliant with the ASTM F2057 standard, the IKEA defendants expressly stated what IKEA had long recognized; that the MALM line and other non-compliant dressers presented a safety hazard to children and others because of the inherently unstable design of the dressers and because IKEA's customers were not attaching the dressers to the wall.

53. Despite identifying specific design changes that would make the MALM line compliant with the ASTM F2057 standard, the IKEA defendants ultimately made no design changes and continued to market and sell the existing inherently unstable design for many years, despite actual knowledge that it was unsafe for its intended and/or foreseeable use.

54. At all times relevant hereto, the IKEA defendants were aware of an alternative, safer design of the MALM dresser that was technologically and economically feasible and which would have prevented the tip-over that crushed [REDACTED] to death, but the IKEA defendants elected not to adopt this safer design before the sale of the subject MALM dresser.

55. Despite actual knowledge of the risk of serious injury or death associated with IKEA furniture, including the MALM line, that failed to meet minimum stability requirements for tip-over prevention, and actual knowledge that most consumers do not secure chests and dressers to a wall, the IKEA defendants chose to market and sell the MALM line in reckless and wanton disregard of the safety of consumers and their children.

56. At all times relevant hereto, the IKEA defendants did not include adequate hardware to securely anchor the MALM dresser to many or most wall surfaces.

57. At all times relevant hereto, the IKEA defendants failed to warn consumers of the danger of serious injury or death which the IKEA defendants knew could arise from use of the MALM dresser in an intended and/or foreseeable manner, particularly in environments in which the dresser was used by and/or accessible to small children.

58. At all times relevant hereto, the IKEA defendants failed to warn consumers that MALM dressers should not be used in environments where the dresser could not be securely anchored to a wall surface.

59. At all times relevant hereto, the IKEA defendants did not include adequate instructions with respect to securely anchoring the MALM dresser to a wall surface.

60. At all times relevant hereto, the MALM dressers manufactured and sold by the IKEA defendants did not contain any warnings, or contained inadequate warnings, on the product itself or in the assembly instructions with respect to the risk of serious injury or death arising from the tip-over hazard created by the design of the dresser.

61. At all times relevant hereto, the IKEA defendants knew based on their experience with other IKEA furniture and the MALM line specifically that MALM dressers presented an unreasonable tip-over hazard arising from their defective and dangerous design and the IKEA defendant's failure to provide adequate warnings, instructions or wall attachment hardware.

62. At all times relevant hereto, and for many years before the subject MALM dresser was sold to plaintiffs, the IKEA defendants knew that the MALM line, other IKEA furniture lines and furniture products made by other manufacturers, had caused multiple injuries and deaths as a result of tip-over incidents, especially when such furniture was accessible to small children.

63. At the time it was designed and sold, the IKEA defendants knew that the MALM line presented an unreasonable tip-over hazard because of its defective and dangerous design.

64. At all times relevant hereto, the IKEA defendants knew that dressers and other furniture which is properly designed, manufactured and tested can meet industry standards for safety and stability without being anchored to a wall.

65. Plaintiffs Joleen Dudek and Craig Dudek purchased the subject MALM dresser in approximately 2008 from an IKEA retail store located in Costa Mesa, California for use in their home.

66. On the afternoon of May 24, 2017, when plaintiff Craig Dudek entered the bedroom where his son [REDACTED] had been sleeping, he found Jozef pinned between the drawers of the subject MALM dresser, which had fallen on top of him.

67. After lifting the chest of drawers off [REDACTED], Craig Dudek began to administer CPR. He attempted to reach his wife Joleen Dudek and then ran outside with his son in his arms and shouted for help. Craig Dudek then returned inside and continued CPR in a frantic effort to save his son's life.

68. Shortly thereafter, emergency personnel arrived, took over performing CPR, and began life saving measures in an attempt to revive [REDACTED].

69. [REDACTED] was then transported to West Anaheim Medical Center. However, life saving measures were unsuccessful and [REDACTED] was pronounced later that same day. The cause of Jozef's death was identified as asphyxia caused by mechanical compression of the neck.

70. At all times relevant hereto, and for many years before the subject MALM dresser was sold to plaintiffs, the IKEA defendants were aware of a tip-over hazard associated with

vertical dressers and other furniture manufactured and sold by the IKEA defendants and other furniture manufacturers, including the MALM line of dressers.

71. According to estimates from the CPSC, more than 43,000 consumers are injured each year in tip-over incidents, with more than 25,000 of those injuries to children under the age of 18.

72. Furniture tip-overs have been recognized to be particularly hazardous for small children, who are at risk of being crushed to death by falling furniture or being trapped under their weight, causing death by asphyxia.

73. The IKEA defendants in particular had specific knowledge of injuries and deaths associated with tip-overs of their furniture for many years prior to the death of [REDACTED] including but not limited to the following:

- In July 1989, a 20-month-old girl from Mt. Vernon, Virginia died after an unanchored GUTE 4-drawer chest tipped over and pinned her against the footboard of a youth bed.
- In March 2002, a 2½-year-old boy from Cranford, New Jersey died after an unanchored RAKKE 5-drawer chest tipped over and fatally pinned him to the floor.
- In January 2005, 3-year-old [REDACTED] from Jenkintown, Pennsylvania died when an unsecured KEN wardrobe located in the room she was playing in tipped over and caused fatal injuries.
- In October 2007, a 3-year-old girl from Chula Vista, California died after a KURS 3-drawer chest tipped over and fatally pinned her to the floor.

74. At all times relevant hereto, the IKEA defendants were specifically aware of numerous other tip-over incidents and injuries associated with the MALM line of dressers prior to the death of [REDACTED], including but not limited to 186 tip-over incidents involving MALM chests and dressers, resulting in injuries to 91 children. In addition, the IKEA

defendants had also received 113 reports of tip-overs of its other chests and dressers resulting in injuries to 53 children.

75. Despite this knowledge, the IKEA defendants intentionally, willfully, wantonly and recklessly failed to adequately redesign the MALM dresser line to address the known risk of injury and death, failed to cease sale of the MALM line, failed to warn the public of the known risk of injury and death and failed to institute a voluntary recall of the MALM line until after a number of children lost their lives.

76. In September of 2011, a 2 year old boy from Woodbridge, Virginia suffered fatal injuries when an unsecured MALM 3 dresser tipped over onto him and trapped him between the dresser drawers.

77. In February of 2014, 2 year old [REDACTED] of West Chester, Pennsylvania suffered fatal injuries when an unsecured MALM 6 dresser in his bedroom tipped over, pinning him between the fallen dresser and his bed.

78. In June of 2014, 23 month old [REDACTED] of Sonhomish, Washington suffered fatal injuries when an unsecured MALM 3 dresser in his bedroom tipped over, crushing him to death.

79. Following the deaths of [REDACTED], and as a result of pressure from the CPSC, the IKEA defendants instituted a type of recall known as a “Repair Program” for the MALM line. (See Exhibit “B”, Repair Program Notice).

80. Through the “Repair Program” the IKEA defendants offered free wall anchoring kits to consumers, expressly acknowledging that the design of the MALM line as sold was dangerous and defective, and that the existing hardware and warnings were insufficient to address the known risks of injury and death associated with the MALM line.

81. However, the IKEA defendants' "Repair Program" was wholly insufficient to prevent further injuries and deaths from tip-overs involving the MALM line.

82. Prior to and during the process that lead to the institution of the "Repair Program", the IKEA defendants intentionally and deliberately failed to provide the CPSC with all reports of tip-over incidents and complaints as required by law.

83. Prior to and during the process that lead to the institution of the "Repair Program", the IKEA defendants deliberately refused to include adequate warnings and instructions with and on the MALM dressers.

84. Following notice of injuries and deaths associated with the MALM line, and during the process that lead to the institution of the "Repair Program", the IKEA defendants intentionally and deliberately refused the CPSC's multiple requests to recall and stop sale of the MALM line.

85. The IKEA defendants' decision to delay institution of a full recall of the MALM line or to otherwise warn the public of the known risks of injury and death associated with the defective and dangerous design of the MALM line, as well as failure to inform the public of the injuries and deaths associated with the MALM line and other IKEA furniture, was motivated by the IKEA defendants' intentional, willful, wanton and reckless desire to place profits over public safety.

86. Accordingly, despite years of actual knowledge of dozens of injuries and deaths associated with unstable, unsafe, defective and dangerous IKEA furniture, including the MALM line, the IKEA defendants failed to take adequate action to prevent additional injuries and deaths.

87. In February of 2016, 22 month old ██████████ of Apple Valley, Minnesota suffered fatal injuries when an unsecured MALM 6 dresser tipped over and crushed him to death.

88. It was not until June 28, 2016, after the third death in a two-year period associated with a tip-over of a dresser in the MALM line, that the IKEA defendants finally bowed to pressure from the CPSC, consumer safety organizations, legislators and concerned parents, and agreed to issue a full recall of the MALM line and other unstable, unsafe, defective and dangerous IKEA furniture. (See Exhibit “C”, Recall Notice).

89. In the Recall Notice, IKEA admitted that the 29 million IKEA dressers and chests recalled in the United States, including the MALM line and the furniture lines identified in Exhibit “A,” are “unstable” if not anchored to the wall and pose “a serious tip-over and entrapment hazard that can result in death or serious injuries to children.” (Id.).

90. In connection with the Recall, then CPSC Chairman Elliot Kaye issued a press release warning the public of the extreme hazards associated with the MALM line that the IKEA defendants had been aware of for many years prior to [REDACTED]’ death. Chairman Kaye said in part: “If you have or think you have one of these products, act immediately. It is simply too dangerous to have the recalled furniture in your home unanchored, especially if you have young children.”

91. On behalf of the IKEA defendants, IKEA USA President Lars Petersson warned consumers to “take [MALM dressers] out of a room that children can access because it could be a danger.”

92. However, the IKEA defendants’ recall efforts were both far too late and wholly insufficient to prevent further tragedy, including the death of [REDACTED].

93. Despite being “IKEA Family” members, plaintiffs never received notice of the Recall. Likewise, IKEA’s insufficient efforts to publicize the Recall and to spread word of the hazards associated with its defective and dangerous furniture did not reach most consumers,

including plaintiffs, and resulted in the subject MALM dresser remaining in use in their home at the time of Jozef's death.

94. The wholly insufficient nature of the Recall and IKEA's tepid efforts to raise public awareness of the defective and dangerous IKEA furniture was expressly recognized by IKEA when, in conjunction with the CPSC, it re-announced a recall on November 21, 2017, following Jozef's death. (See Exhibit "D", Notice of Renounced Recall).

95. In order to prevent or minimize injuries caused by furniture tip-overs, manufacturers, including the IKEA defendants, are obligated to design furniture which is safe and stable for use by children, and to clearly explain to consumers how and why tip-overs occur, what kinds of furniture are most likely to be involved in such accidents, what age children are most at risk for injury from a furniture tip-over and how such incidents can be prevented.

96. The death of [REDACTED] was a direct and proximate result of the negligence, carelessness, recklessness and intentional misconduct of the IKEA defendants and their sale of a defective product which was not safe for its intended and foreseeable use, for all of the reasons more specifically averred herein.

III. CAUSES OF ACTION

COUNT I – STRICT PRODUCTS LIABILITY

97. Plaintiffs incorporate by reference all paragraphs of this Complaint as if more fully set forth at length.

98. The fatal injuries sustained by plaintiffs' decedent [REDACTED] and the injuries sustained by plaintiffs were caused by the IKEA defendants' sale of a defective product which was unreasonably dangerous for its intended and foreseeable use, and which was unreasonably dangerous to the ultimate users and consumers of the product, for which

defendants are strictly liable pursuant to the provisions of §402A of the Restatement (Second) of Torts.

99. The defective and dangerous condition of the MALM dresser was unknowable and unacceptable to the average or ordinary consumer, and was a condition upon normal use that was dangerous beyond the contemplation of a reasonable consumer.

100. The risk of the defective and dangerous design of the MALM dresser outweighed the utility of the design, such that a reasonable person would conclude that the probability and seriousness of harm arising from the product's design outweighed the burden or cost of taking precautions.

101. The defective and dangerous design and manufacture of the MALM dresser resulted in a product that was unsafe for its intended and foreseeable use, including the intended and foreseeable use of the product by plaintiffs and plaintiffs' decedent.

102. The MALM dresser was also dangerous and defective by virtue of the failure of the IKEA defendants to furnish the product with adequate warnings and instructions.

103. Before the MALM dresser was sold to plaintiffs, the IKEA defendants had actual knowledge that the dresser was unstable when used in an intended and/or foreseeable manner, that the dresser presented a tip-over hazard when used in environments in which the dresser was used by and/or accessible to small children, that a tip-over of a MALM dresser could cause injury or death to small children, and that the instructions, warnings and hardware provided with the dresser were grossly inadequate to address the tip-over hazard created by the design of the dresser.

104. Notwithstanding the IKEA defendants' actual knowledge of the dangers and hazards of the MALM dresser as described herein, the IKEA defendants intentionally,

deliberately and recklessly continued to sell the dresser at IKEA retail stores throughout the United States.

105. As a direct and proximate result of the defective and dangerous design and/or manufacture of the MALM dresser, the failure to provide the product with adequate warnings and instructions, and the wanton, deliberate, reckless and intentional misconduct of the IKEA defendants, plaintiffs and plaintiffs' decedent [REDACTED] were caused to suffer the injuries and losses described herein for which they seek compensatory and punitive damages.

COUNT II – NEGLIGENCE AND RECKLESSNESS

106. Plaintiffs incorporate by reference all paragraphs of this Complaint as if more fully set forth at length.

107. The fatal injuries sustained by plaintiffs' decedent [REDACTED] and the injuries sustained by plaintiffs were caused by the negligence, carelessness and recklessness of the IKEA defendants, by and through their authorized agents, servants and/or employees, in the following particular respects:

- (a) failing to properly design the MALM dresser in order to prevent or minimize the occurrence of tip-over accidents;
- (b) failing to properly test the MALM dresser in order to prevent or minimize the occurrence of tip-over accidents;
- (c) failing to properly manufacture the MALM dresser so as to prevent or minimize the occurrence of tip-over accidents;
- (d) intentionally marketing and selling the MALM dresser as a free-standing furniture unit despite actual knowledge of its unstable and unsafe design, which presented a significant risk of injury or death, particularly when used by and/or accessible to small children;
- (e) deliberately ignoring numerous and repeated reports from consumers and other data confirming that MALM dressers were routinely used as free-standing furniture, which IKEA

knew presented a significant risk of injury or death, particularly when used by and/or accessible to small children;

- (f) failing to provide adequate warnings with respect to the frequency and occurrence of tip-overs of IKEA furniture, including the MALM dresser;
- (g) failing to provide adequate warnings with respect to the significant risk of serious injury or death to small children from IKEA furniture tip-overs, including tip-overs of the MALM dresser;
- (h) failing to warn consumers that IKEA furniture, including the MALM dresser, should never be used in an environment accessible to small children unless the dresser is securely anchored to the wall;
- (i) failing to warn consumers that the MALM dresser was unsafe for use as a free-standing piece of furniture;
- (j) failing to clearly and adequately advise consumers that the MALM dresser was unstable and unsafe for its intended and/or foreseeable use;
- (k) failing to provide necessary and essential hardware, tools, equipment and instructions to facilitate securing a MALM dresser to the wall;
- (l) failing to provide adequate anti-tip brackets with the MALM dresser;
- (m) failing to design, test and manufacture the MALM dresser to meet or exceed applicable safety standards and codes in the United States and the rest of the world;
- (n) deliberately and recklessly failing and refusing to test the MALM dresser to ASTM safety standard F2057 and other applicable standards that had been accepted by other sellers of furniture in the United States;
- (o) deliberately and recklessly selling the MALM dresser to consumers notwithstanding actual knowledge that the dresser was unstable and prone to tip-over during its intended and/or foreseeable use;
- (p) deliberately and recklessly designing the MALM dresser to be top-heavy and front-heavy so as to be more likely to tip-over;

- (q) deliberately and recklessly selling the MALM dresser to consumers without adequate warnings, instructions or hardware;
- (r) deliberately and recklessly selling the MALM dresser to consumers despite actual knowledge that the dresser failed to meet ASTM safety standard F2057 and other applicable standards;
- (s) deliberately and recklessly concealing from consumers, consumer advocates and regulatory agencies including the CPSC the fact that the MALM dresser could not meet ASTM safety standard F2057 and other applicable standards;
- (t) deliberately and recklessly failing and refusing to include adequate warnings and instructions on the product to warn consumers of the dangerous associated with its unstable and unsafe design;
- (u) deliberately and recklessly failing and refusing to include adequate and appropriate wall attachment screws and other hardware for securing the MALM dresser to the wall;
- (v) deliberately and recklessly failing and refusing to redesign the MALM dresser after receiving notice of injuries and deaths to other children caused by the unstable and unsafe design of the dresser;
- (w) deliberately and recklessly failing to provide the CPSC with all reports of tip-over complaints and incidents received from consumers as required by law;
- (x) deliberately and recklessly failing and refusing to stop selling and recall the MALM dresser after multiple requests from the CPSC and after receiving notice of injuries and deaths to other children caused by the unstable and unsafe design of the dresser;
- (y) deliberately and recklessly failing to conduct an adequate recall; and
- (z) deliberately and recklessly failing to adequately publicize the recall in order to inform the public of the dangers associated with continued use of the MALM dresser.

108. As a direct and proximate result of the negligence, carelessness and wanton, deliberate and reckless conduct of the IKEA defendants, plaintiffs and plaintiffs' decedent [REDACTED]

██████████ were caused to suffer the injuries and losses described herein for which they seek compensatory and punitive damages.

IV. DAMAGES

A. Wrongful Death Action

109. Plaintiffs incorporate by reference all paragraphs of this Complaint as if more fully set forth at length.

110. This action is brought on behalf of all persons entitled to recover damages for the death of ██████████, deceased, pursuant to the Pennsylvania Wrongful Death Act, 42 Pa. C.S.A. §8301.

111. The wrongful death beneficiaries are as follows:

Name	Relationship	Address
Joleen Dudek	Mother	7523 El Cerro Drive Buena Park, CA 90620
Craig Dudek	Father	7523 El Cerro Drive Buena Park, CA 90620

112. ██████████ did not bring any claim for the matters set forth in this Complaint during his lifetime.

113. Plaintiffs Joleen Dudek and Craig Dudek, Co-Administrators of the Estate of their son, ██████████, deceased, claim all lawful damages for all persons entitled by law to recover such damages, including but not limited to medical expenses, funeral expenses, expenses of administration, loss of expected pecuniary contributions and loss of the decedent's companionship, guidance and tutelage.

WHEREFORE, plaintiffs Joleen Dudek and Craig Dudek, Individually and as Co-Administrators of the Estate of ██████████, deceased, demand judgment in favor of

plaintiffs and against all defendants for compensatory and punitive damages in excess of the jurisdictional limit for arbitration, together with interest and costs.

B. Survival Action

114. Plaintiffs incorporate by reference all paragraphs of this Complaint as if more fully set forth at length.

115. Plaintiffs bring this action on behalf of the Estate of [REDACTED], deceased, pursuant to the Pennsylvania Survival Act, 42 Pa.C.S.A. §8302, and claim on behalf of the Estate all damages recoverable by law, including but not limited to the decedent's pain and suffering, loss of earnings and earning capacity and the total limitation and deprivation of the decedent's normal activities, pursuits and pleasures.

WHEREFORE, plaintiffs Joleen Dudek and Craig Dudek, Individually and as Co-Administrators of the Estate of [REDACTED], deceased, demand judgment in favor of plaintiffs and against all defendants for compensatory and punitive damages in excess of the jurisdictional limit for arbitration, together with interest and costs.

C. Negligent Infliction of Emotional Distress

116. Plaintiffs incorporate by reference all paragraphs of this Complaint as if more fully set forth at length.

117. As a direct and proximate result of the IKEA defendants' conduct, plaintiffs' decedent [REDACTED] suffered fatal injuries in the presence of his father, plaintiff Craig Dudek.

118. As a direct and proximate result of the IKEA defendants' conduct, plaintiff Craig Dudek suffered and continues to suffer from severe emotional distress, harm to his psychological well-being and physical harm.

WHEREFORE, plaintiffs Joleen Dudek and Craig Dudek, Individually and as Co-Administrators of the Estate of [REDACTED], deceased, demand judgment in favor of plaintiff Craig Dudek and against all defendants for compensatory and punitive damages in excess of the jurisdictional limit for arbitration, together with interest and costs.

D. Punitive Damages

119. Plaintiffs incorporate by reference all paragraphs of this Complaint as if more fully set forth at length.

120. The actions of the IKEA defendants as set forth above constitute willful and wanton misconduct in reckless disregard of the rights and safety of plaintiffs and plaintiffs' decedent, and warrant the imposition of punitive damages against the IKEA defendants.

WHEREFORE, plaintiffs Joleen Dudek and Craig Dudek, Individually and as Co-Administrators of the Estate of [REDACTED], deceased, demand judgment in favor of plaintiffs and against all defendants for compensatory and punitive damages in excess of the jurisdictional limit for arbitration, together with interest and costs.

FELDMAN SHEPHERD WOHLGELERNTER
TANNER WEINSTOCK & DODIG, LLP



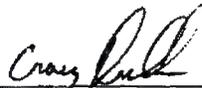
ALAN M. FELDMAN
DANIEL J. MANN
EDWARD S. GOLDIS
Attorneys for Plaintiffs

VERIFICATION

We, Joleen Dudek and Craig Dudek, Individually and as Co-Administrators of the Estate of [REDACTED], deceased, plaintiffs in the foregoing pleading, state that the facts set forth are true and correct to the best of our knowledge, information and belief; and that this statement is made subject to the penalties of 18 Pa.C.S. §4904, which relates to unsworn falsification to authorities.



JOLEEN DUDEK, Individually and as
Co-Administrator of the Estate of
[REDACTED], deceased



CRAIG DUDEK, Individually and as
Co-Administrator of the Estate of
[REDACTED], deceased