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IN THE CIRCUIT COURT FOR THE THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

MAHESH FULDEORE and)
 RUPALI FULDEORE,)
)
 Plaintiffs,)
)
 vs.)
)
 BRK BRANDS, INC.,)
 Serve: Registered Agent)
 CT Corporation System)
 208 South LaSalle Street, Suite 814)
 Chicago, IL 60604)
)
 Defendant.)

Case No.: 10L 618

PLAINTIFFS' DEMAND TRIAL
BY JURY OF 12

FILED
JUN 1 4 2010

CLERK OF CIRCUIT COURT #6
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

COMPLAINT AT LAW

COUNT I

Mahesh Fuldeore versus Defendant for Strict Liability

Comes Now plaintiff Mahesh Fuldeore and for Count I of this Complaint states as follows:

1. The plaintiffs are husband and wife who are and at all times relevant have been residents of the State of Illinois.
2. Defendant is a corporation which has its principal place of business in Illinois, and which does business in Madison County, Illinois.
3. On or about October 29, 2008 plaintiffs were residents and occupants of an apartment located at 1659 Woodduck Drive in Wheeling, Cook County, Illinois.

4. On or about October 29, 2008 a fire of unknown cause occurred in plaintiffs' apartment while they were present and asleep.

5. At the time of the fire the apartment contained a properly located and powered smoke detector which was manufactured, designed, distributed, and sold by defendant, and which was being used as anticipated.

6. The smoke detector failed to sound during the fire although there was sufficient smoke present to cause it to sound.

7. As a result of this failure, plaintiffs were unable to escape the fire before suffering serious injuries.

8. The smoke detector was defective, unreasonably dangerous, and not reasonably safe at the time it left defendant's control, in the following respects:

- (a) it was designed in such a way that it failed to sound in the presence of smoke;
- (b) it was manufactured in such a way that it failed to sound in the presence of smoke;
- (c) it was dangerous to an extent beyond that which would be contemplated by the ordinary consumer or user;
- (d) its failure to sound an alarm in the presence of smoke made the design of the smoke detector dangerous to the extent that the danger of the design outweighed the benefits of its design.

9. As a direct and proximate result of the defect plaintiff Mahesh Fuldeore suffered the following severe, permanent, disabling, debilitating, disfiguring, and painful injuries, among others:

- (a) he suffered burns to a large portion of his body resulting in disfigurement, scarring, loss of limbs and other body parts, loss of use of hands, kidney failure, and infertility, and numerous other injuries;
- (b) he suffered smoke inhalation;
- (c) he suffered cuts, bruises, abrasions and other injuries to numerous parts of his body;
- (d) he suffered psychological, mental, and emotional injuries.

10. As a further direct and proximate result of the defect, plaintiff Mahesh Fuldeore has incurred expenses for hospital care, medical care, rehabilitation, assistance, and other expenses and will continue to incur such expenses in the future; and he has lost wages and income and will continue to lose wages and income in the future.

WHEREFORE, plaintiff prays for judgment in Count I against defendant for a reasonable amount in excess of \$50,000.00, for costs and expenses, and for such further relief as the Court deems just.

COUNT II

Mahesh Fuldeore against Defendant for Negligence

Comes Now plaintiff Mahesh Fuldeore and for Count II of this Complaint states as follows:

11. Plaintiff restates all the matters contained in Count I as if fully set forth here.

12. Defendant owed a duty to plaintiffs, to purchasers and users of its products, and to the public to design and manufacture the smoke detector in such a way that it would be safe for its intended use, to warn people of the presence of smoke.

13. Defendant breached that duty by failing to use reasonable care to design and manufacture the smoke detector in such way that it would sound an alarm in the presence of smoke, when it was foreseeable that such failure would pose grave dangers to persons and property.

14. Defendant was thereby negligent.

15. As a direct and proximate result of such negligence, plaintiff Mahesh Fuldeore suffered the injuries and damages as described above.

WHEREFORE, plaintiff prays for judgment in Count II against defendant for a reasonable amount in excess of \$50,000.00, for costs and expenses, and for such further relief as the Court deems just.

COUNT III

Mahesh Fuldeore against Defendant for Breach of Warranty

Comes Now plaintiff Mahesh Fuldeore and for Count III of this Complaint states as follows:

16. Plaintiff restates all the matters contained in previous counts as if fully set forth here.

17. At the time defendant designed, manufactured, distributed, and sold the smoke detector, it knew that the purpose of the smoke detector was to warn people of the presence of smoke, when properly located and powered.

18. At the time defendant designed, manufactured, distributed, and sold the smoke detector, defendant knew or should have known that purchasers and users of the smoke detector and the general public relied on defendant to design, manufacture, distribute, and sell a smoke detector which would sound a timely warning in the presence of smoke, when properly powered and located.

19. The smoke detector was not fit for the purpose for which it was purchased and used, in that it failed to sound a timely warning in the presence of smoke, while properly powered and located.

20. Defendant therefore breached warranties, including those contained in 810 ILCS 5/2-314 and 810 ILCS 5/2-315.

WHEREFORE, plaintiff prays for judgment in Count III against defendant for a reasonable amount in excess of \$50,000.00, for costs and expenses, and for such further relief as the Court deems just.

COUNT IV

Rupali Fuldeore for your Strict Liability, Negligence and Breach of Warranty

Comes Now plaintiff Rupali Fuldeore and for Count IV of this Complaint states as follows:

21. Plaintiff restates all the matters contained in Counts I, II, and III as if fully set forth here.

22. As a direct and proximate result of the matters set forth above, plaintiff Rupali Fuldeore suffered the following severe, permanent, disabling, debilitating, disfiguring, and painful injuries:

- (a) she suffered cuts, lacerations, bruises, abrasions, scarring, and other injuries to numerous parts of her body;
- (b) she suffered smoke inhalation;
- (c) she suffered psychological, mental, and emotional injuries;

23. As a further direct and proximate result of the matters set forth above, plaintiff Rupali Fuldeore has incurred expenses for hospital care, medical care, rehabilitation, and other expenses and will continue to incur such expenses in the future; and he has lost wages and income and will continue to lose wages and income in the future.

WHEREFORE, plaintiff prays for judgment in Count IV against defendant for a reasonable amount in excess of \$50,000.00, for costs and expenses, and for such further relief as the Court deems just.

COUNT V

Rupali Fuldeore for Loss of Consortium

Comes Now plaintiff Rupali Fuldeore and for Count V of this Complaint states as follows:

24. Plaintiff restates all the matters contained in Counts I, II, III, and IV as if fully set forth here.

25. Plaintiff has suffered a loss of consortium as a direct and proximate result of the injuries suffered by her husband.

WHEREFORE, plaintiff prays for judgment in Count V against defendant for a reasonable amount in excess of \$50,000.00, for costs and expenses, and for such further relief as the Court deems just.

COUNT VI

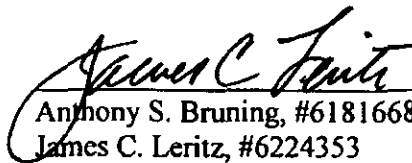
Maresh Fuldeore for Loss of Consortium

Comes Now plaintiff Maresh Fuldeore and for Count VI of this Complaint states as follows:

26. Plaintiff restates all the matters contained in Counts I, II, III, IV, and V as if fully set forth here.

27. Plaintiff has suffered a loss of consortium as a direct and proximate result of the injuries suffered by his wife.

WHEREFORE, plaintiff prays for judgment in Count VI against defendant for a reasonable amount in excess of \$50,000.00, for costs and expenses, and for such further relief as the Court deems just.



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