

# DAILY BUSINESS REVIEW

## Broward Lawyers Negotiate \$27M for Toddler Burned in Pressure Cooker Explosion

Fort Lauderdale lawyers John Uustal, Michael Hersh and Catherine Darlson of Kelley/Uustal argued that a defect caused a pressure cooker made by Lifetime Brands Inc. to explode, leaving 3-year-old Samantha Gonzalez with devastating burns.

By RAYCHEL LEAN

John Uustal, Michael Hersh and Catherine Darlson of Kelley/Uustal in Fort Lauderdale worked out a \$27 million settlement with international kitchenware distributor Lifetime Brands Inc. over a faulty pressure cooker that exploded and injured 3-year-old Samantha Gonzalez in Broward.

Gonzalez's grandmother, Caridad Fernandez Reinaldo, was bathing her in the kitchen sink on Sept. 14, 2015, while chicken soup simmered on a nearby stove top, inside a Vasconia 8-quart pressure cooker. But the appliance suddenly malfunctioned, according to the complaint, spraying hot liquid in its wake.

Reinaldo tried to move the pot off the stove top but it buckled



John Uustal, left, Michael Hersh, center, and Catherine Darlson of Kelley/Uustal in Fort Lauderdale. Courtesy photos.

under pressure at the same moment, exploding and scalding Gonzalez.

"It's every parent's nightmare," Uustal said.

Gonzalez, now 5, suffered second- and third-degree

burns covering most of her body, and had to have a leg, a hand and all her fingers amputated. Her parents, Luciel Fernandez and Tina Gonzalez, sued Lifetime Brands in 2016, claiming that if they weren't

sold a faulty product, the accident never would have happened.

Lifetime Brands **denied the allegations** and argued that Reinaldo misused the pressure cooker. Defense counsel **Michael J. McCausland** of Conroy Simberg in Hollywood did not respond to requests for comment before deadline.

The biggest obstacle for Uustal and his team was proving that the infant's injuries weren't due to her grandmother's actions, and that the pot was faulty and opened under pressure. Consumer Product Safety Commission, police, fire marshals and investigators concluded that Reinaldo had dropped it on the baby.

"And she did drop it, but only because it exploded open," Uustal said. "It was very difficult to prove what happened."

Reinaldo struggled to explain what happened, while experts on both sides tested the pressure cooker and came to the same conclusion: it wasn't defective. But something didn't smell right to Uustal's team.

"We knew it opened under pressure because there was evidence all over the ceiling and walls, and there was water on the floor," Uustal said. "The question was 'how' and 'why' it opened under pressure, not 'could' it."

A neighbor also recalled hearing a loud noise and someone shouting, 'It exploded! It exploded!' according to Uustal, who ultimately resorted to conducting his own experiments.

"It got dangerous," Uustal said. "In one of the tests, one of the pressure cookers flew off the pot and almost hit someone, so we had to stop that form of testing."

Eventually, when Uustal and his team struggled to find new Vasconia pressure cookers, they bought some older models on eBay. And then, a lightbulb moment.

"They started behaving differently," Uustal said.

According to Uustal, the older pressure cooker had a defective lid-locking system and was unsafe on stoves with temperature above 2,000 watts. Experts had been testing the wrong model.

"We definitely got a little lucky here, but I'm also proud of the fact that we just wouldn't give up after being told by our experts that there was no case," Uustal said. "In the end it was so clear that their defense expert admitted it."

Broward Circuit Judge Raag Singhal **approved the settlement** on Nov. 6, which will allow Gonzalez to get state-of-the-art prosthetics.

"She's a beautiful, happy little girl," Uustal said. "Even without prosthetics she gets where she wants to go and does what she wants to do. But she deserves the best prosthetic, and just the thought that she can have them for the rest of her life is a relief."

Uustal's team have filed a report with the Consumer Product Safety Commission, which it hopes will lead to a recall.

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