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17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**

19 **MELISSA MARIE MCALLISTER,**

20 **Plaintiff,**

21 **v.**

22 **MEALTHY, INC.,**

23 **Defendant.**

Case No.:

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

1. Strict Products Liability
2. Negligent Products Liability
3. Breach of Implied Warranty of Merchantability
4. Breach of Implied Warranty of Fitness for a Particular Purpose

24
25 Plaintiff, **MELISSA MARIE MCALLISTER** (hereafter referred to as
26 “Plaintiff”), by and through her undersigned counsel, **JOHNSON BECKER, PLLC**
27 and **HARLAN LAW, P.C.**, hereby submits the following Complaint and Demand for
28 Jury Trial against Defendant **MEALTHY, INC.** (hereafter referred to as “Defendant”

1 or “Mealthy”), and alleges the following upon personal knowledge and belief, and
2 investigation of counsel:

3 **NATURE OF THE CASE**

4 1. Defendant designs, manufactures, markets, imports, distributes and sells
5 a wide-range of consumer kitchen products, including the subject “Mealthy MultiPot
6 2.0,” which specifically includes the Model Number MMP-650-US (referred to hereafter
7 as “pressure cooker(s)”) that is at issue in this case.

8 2. Defendant touts the “safety”¹ of its pressure cookers, and states that they
9 cannot be opened while in use. Despite Defendant’s claims of “safety,” it designed,
10 manufactured, marketed, imported, distributed and sold, both directly and through
11 third-party retailers, a product that suffers from serious and dangerous defects. Said
12 defects cause significant risk of bodily harm and injury to its consumers.

13 3. Specifically, said defects manifest themselves when, despite Defendant’s
14 statements, the lid of the pressure cooker is removable with built-up pressure, heat
15 and steam still inside the unit. When the lid is removed under such circumstances,
16 the pressure trapped within the unit causes the scalding hot contents to be projected
17 from the unit and into the surrounding area, including onto the unsuspecting
18 consumers, its families and other bystanders. The Plaintiff in this case was able to
19 remove the lid while the pressure cooker retained pressure, causing her catastrophic
20 bodily injuries and damages.

21 4. Defendant knew or should have known of these defects, but has
22 nevertheless put profit ahead of safety by continuing to sell its pressure cookers to
23 consumers, failing to warn said consumers of the serious risks posed by the defects,
24 and failing to recall the dangerously defective pressure cookers regardless of the risk
25 of significant injuries to Plaintiff and consumers like her.

26 5. As a direct and proximate result of Defendant’s collective conduct, the
27 _____

28 ¹ See, e.g. MultiPot 2.0 Owner’s manual, pg. 6. A copy of the owner’s manual is attached
hereto as “Exhibit A”.

1 Plaintiff in this case incurred significant and painful bodily injuries, medical expenses,
2 lost wages, physical pain, mental anguish, and diminished enjoyment of life.

3 **PLAINTIFF MELISSA MARIE MCALLISTER**

4 6. Plaintiff is a resident and citizen of Yucca Valley, San Bernardino County,
5 California.

6 7. On or about August 7, 2020, Plaintiff suffered serious and substantial
7 burn injuries as the direct and proximate result of the pressure cooker's lid being able
8 to be rotated and opened while the pressure cooker was still under pressure, during
9 the normal, directed use of the Pressure Cooker, allowing its scalding hot contents to
10 be forcefully ejected from the pressure cooker and onto Plaintiff. The incident occurred
11 as a result of the failure of the pressure cooker's supposed "safety" mechanisms, which
12 purport to keep the consumer safe while using the pressure cooker. In addition, the
13 incident occurred as the result of Defendant's failure to redesign the pressure cooker,
14 despite the existence of economical, safer alternative designs.

15 **DEFENDANT MEALTHY, INC.**

16 8. Defendant designs, manufactures, markets, imports, distributes and sells
17 a variety of consumer kitchen products including pressure cookers, air fryers, and
18 blenders, amongst others.

19 9. Defendant Mealthy is a Delaware corporation and has principle place of
20 business located at 110 San Antonio Street, No. 1808, San Antonio, TX 78701

21 **JURISDICTION AND VENUE**

22 10. This Court has subject matter jurisdiction over this case pursuant to
23 diversity jurisdiction prescribed by 28 U.S.C. § 1332 because the matter in controversy
24 exceeds the sum or value of \$75,000, exclusive of interest and costs, and there is
25 complete diversity between the parties.

26 11. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because a
27 substantial part of the events or omissions giving rise to the claim occurred here.

28 12. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because

1 Defendants have sufficient minimum contacts with the State of California and has
2 intentionally availed itself of the markets within California through the promotion,
3 sale, marketing, and distribution of its products.

4 **FACTUAL BACKGROUND**

5 13. Defendant is engaged in the business of designing, manufacturing,
6 warranting, marketing, importing, distributing and selling the pressure cooker at
7 issue in this litigation.

8 14. Defendant boasts that “safety and satisfaction with the Mealthy MultiPot
9 2.0 are our #1 priority” and that the “MultiPot 2.0 takes that safety to the next level
10 by adding auto-seal and hands-free steam release to keep you completely at ease when
11 cooking. Your MultiPot is built to meet and *exceed safety and functional*
12 *standards.*”²

13 15. To further propagate its message, Defendant has, and continues to utilize
14 numerous media outlets including, but not limited to, social media websites such as
15 YouTube. For example, the following can be found on Defendant’s YouTube page
16 entitled “Make Dinner Pho-ing Easy with the Mealthy MultiPot #Mealthy” regarding
17 it’s supposed “9 safety mechanisms”:



28 ² Id. emphasis supplied.

1 <https://www.youtube.com/watch?v=rxId8PWu58&list=PLdccct2DYlb1cgodBB>
2 [Zakj1S49V718ldj](#) (last accessed May 9, 2022)

3 16. By reason of the foregoing acts or omissions, the above-named Plaintiff
4 and/or her family purchased the pressure cooker with the reasonable expectation that
5 it was properly designed and manufactured, free from defects of any kind, and that it
6 was safe for its intended, foreseeable use of cooking.

7 17. Plaintiff used her pressure cooker for its intended purpose of preparing
8 meals for herself and/or family and did so in a manner that was reasonable and
9 foreseeable by the Defendants.

10 18. However, the aforementioned pressure cooker was defectively and
11 negligently designed and manufactured by the Defendants in that they failed to
12 properly function as to prevent the lid from being removed with normal force while the
13 unit remained pressurized, despite the appearance that all the pressure had been
14 released, during the ordinary, foreseeable and proper use of cooking food with the
15 product; placing the Plaintiff, her family, and similar consumers in danger while using
16 the pressure cookers.

17 19. Defendant's pressure cookers possess defects that make them
18 unreasonably dangerous for their intended use by consumers because the lid can be
19 rotated and opened while the unit remains pressurized.

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

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

25 22. As a direct and proximate result of Defendant's concealment of such
26 defects, its failure to warn consumers of such defects, its negligent misrepresentations,
27 its failure to remove a product with such defects from the stream of commerce, and its
28 negligent design of such products, Plaintiff used an unreasonably dangerous pressure

1 cooker, which resulted in significant and painful bodily injuries upon Plaintiff's simple
2 removal of the lid of the Pressure Cooker.

3 23. Consequently, the Plaintiff in this case seeks damages resulting from the
4 use of Defendant's pressure cooker as described above, which has caused the Plaintiff
5 to suffer from serious bodily injuries, medical expenses, physical pain, mental anguish,
6 diminished enjoyment of life, and other damages.

7 **FIRST CAUSE OF ACTION**

8 **STRICT PRODUCTS LIABILITY**

9 PLAINTIFF, FOR A FIRST CAUSE OF ACTION AGANST MEALTHY, INC.,
10 ALLEGES AS FOLLOWS:

11 24. Plaintiff incorporates by reference each preceding and succeeding
12 paragraph as though set forth fully at length herein.

13 25. At the time of Plaintiff's injuries, Defendant's pressure cookers were
14 defective and unreasonably dangerous for use by foreseeable consumers, including
15 Plaintiff.

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

18 27. Plaintiff and her family did not misuse or materially alter the pressure
19 cooker.

20 28. The pressure cookers did not perform as safely as an ordinary consumer
21 would have expected them to perform when used in a reasonably foreseeable way.

22 29. Further, a reasonable person would conclude that the possibility and
23 serious of harm outweighs the burden or cost of making the pressure cookers safe.

24 Specifically:

- 25 a. The pressure cookers designed, manufactured, sold, and supplied by
26 Defendant were defectively designed and placed into the stream of
27 commerce in a defective and unreasonably dangerous condition for
28 consumers;

1 paragraph as though set forth fully at length herein.

2 38. At the time Defendants marketed, distributed and sold its pressure
3 cookers to the Plaintiff in this case, Defendant warranted that its pressure cookers
4 were merchantable and fit for the ordinary purposes for which they were intended.

5 39. Members of the consuming public, including consumers such as Plaintiff,
6 were intended third-party beneficiaries of the warranty.

7 40. Plaintiff reasonably relied on Defendant's representations that its
8 pressure cookers were a quick, effective and safe means of cooking.

9 41. Defendant's pressure cookers were not merchantable because they had
10 the propensity to lead to the serious personal injuries as described herein in this
11 Complaint.

12 42. Plaintiff used the pressure cooker with the reasonable expectation that it
13 was properly designed and manufactured, free from defects of any kind, and that it
14 was safe for its intended, foreseeable use of cooking.

15 43. Defendant's breach of implied warranty of merchantability was the direct
16 and proximate cause of Plaintiff's injury and damages.

17 **WHEREFORE**, Plaintiff demands judgment against Defendant for damages,
18 together with interest, costs of suit, attorneys' fees, and all such other relief as the
19 Court deems proper. Plaintiff reserves the right to amend the complaint to seek
20 punitive damages if and when evidence or facts supporting such allegations are
21 discovered.

22 **FOURTH CAUSE OF ACTION**

23 **BREACH OF IMPLIED WARRANTY OF FITNESS FOR A PARTICULAR**
24 **PURPOSE**

25 PLAINTIFF, FOR A FOURTH CAUSE OF ACTION MEALTHY, INC.,
26 ALLEGES AS FOLLOWS:

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

1 Defendants in an amount to be proven at trial.

2 52. As a direct and proximate cause of Defendant's negligence and wrongful
3 misconduct, as set forth herein, Plaintiff has and will continue to incur expenses for
4 medical care and treatment, as well as other expenses, as a result of the catastrophic
5 burns she suffered as a result of the incident. Plaintiff is entitled to recover damages
6 from Defendants for her past, present and future medical and other expenses in an
7 amount which shall be proven at trial.

8 **PRAYER FOR RELIEF**

9 **WHEREFORE**, Plaintiff demands judgment against the Defendant as follows:

- 10 A. That Plaintiff has a trial by jury on all of the claims and issues;
- 11 B. That judgment be entered in favor of the Plaintiff and against Defendant on
12 all of the aforementioned claims and issues;
- 13 C. That Plaintiff recover all damages against Defendant, general damages and
14 special damages, including economic and non-economic, to compensate the
15 Plaintiff for her injuries and suffering sustained because of the use of the
16 Defendant's defective pressure cooker;
- 17 D. That all costs be taxed against Defendant;
- 18 E. That prejudgment interest be awarded according to proof;
- 19 F. That Plaintiff be awarded attorney's fees to the extent permissible under
20 Federal and California law; and
- 21 G. That this Court awards any other relief that it may deem equitable and just,
22 or that may be available under the law of another forum to the extent the
23 law of another forum is applied, including but not limited to all reliefs prayed
24 for in this Complaint and in the foregoing Prayer for Relief.

25 **Dated: June 6, 2022**

HARLAN LAW, P.C

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DEMAND FOR JURY TRIAL

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff demands a trial by jury of all the claims asserted in this Complaint so triable.

Dated: June 6, 2022

HARLAN LAW, PC

By /s/ Jordon Harlan, Esq
Jordon Harlan, Esq. (CA #273978)