



Walmart, Hoverboard Biz Sued Over Pa. Fire Deaths

By Ryan Harroff

Law360 (September 21, 2022, 5:06 PM EDT) -- The parents of two deceased sisters sued Walmart and a hoverboard maker in Pennsylvania federal court Wednesday after a self-balancing scooter purchased from one of its stores allegedly shorted out while charging and caused the house fire that claimed the girls' lives.

Damien and Jennifer Lee Kaufman allege Walmart Inc. and Jetson Electric Bikes LLC, the maker of the product at issue, marketed the hoverboard as safe for "everyday adventures" but should have known it could potentially ignite while charging and cause "catastrophic injuries" or death to those around it.

Despite knowing the injury and death risks posed by the hoverboard, Walmart and Jetson Electric "proceeded to market and sell the Jetson Rogue Hoverboard anyway" without properly warning consumers, the suit states. Doing so was negligent and violated multiple product liability and consumer protection laws, according to the complaint.

Thomas R. Kline of Kline & Specter PC, counsel for the couple, told Law360 Wednesday the suit came after an extensive investigation run by himself and his co-counsel Aaron Dunbar and John "Jack" O'Neil in consultation with multiple experts from which "the inescapable conclusion" was a defect in the hoverboard started the fire.

"This is a case involving a hidden danger of a product that shouldn't have had this defect," Kline said. "On top of that, there was no warning about it at all. That's what led to this tragedy."

The complaint details an alleged defect in which battery degradation and heat discharge from the hoverboard during periods of inactivity could lead to spontaneous ignition while charging. The couple's suit seeks unspecified compensatory and punitive damages, along with interest and costs associated with the case.

Damien Kaufman bought a Jetson Rogue Hoverboard at Walmart for his daughter Brianna Baer, 15, in 2018 as a Christmas gift. The ignition occurred while it was charging in her 10-year-old sister Abigail Kaufman's room last April, according to the complaint.

Jennifer Lee Kaufman escaped the fire from her first-floor bedroom, according to the complaint. Damien Kaufman was in their home's detached garage when the fire began and was unable to get through it to retrieve his daughters from Baer's room on the second floor, the suit says.

Both girls were removed from the burning house by firefighters and taken to a nearby hospital, where the complaint says they were pronounced dead from smoke inhalation and other effects of the fire.

Kline said the Kaufman case could indicate many other "fires waiting to happen" because of defective hoverboards and noted the U.S. Consumer Product Safety Commission was already investigating hoverboard safety issues before the Kaufman complaint came to court. Kline and his co-counsel have made the Kaufmans available to the CPSC and are cooperating with it to ensure the Jetson Rogue Hoverboard can be "fully vetted," he said.

A Walmart spokesperson said, "Our thoughts go out to the Kaufman family for their loss. We expect our suppliers to provide safe, quality products that meet all applicable laws and regulations. We will respond with the Court as appropriate after we are served with the complaint."

Representatives for Jetson Electric did not immediately reply to requests for comment Wednesday.

Damien and Jennifer Lee Kaufman are represented by Thomas R. Kline, Aaron L. Dunbar and John P. O'Neil of Kline & Specter PC.

Counsel information for Walmart Inc. and Jetson Electric Bikes LLC was unavailable.

The case is Kaufman et al. v. Jetson Electric Bikes LLC et al., case number 5:22-cv-03765, in the U.S. District Court for the Eastern District of Pennsylvania.

--Editing by Vaqas Asghar.

Update: This story has been updated with comments from a Walmart spokesperson.