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VERDICTS &
SETTLEMENTS

Plaintiff Claimed Burns by Fireballs From Defective Stove

On Aug. 10, 2013, plaintiff Luong Nguyen, 51, a fruit picker, was reconnecting an Amba Super Gas Stove to a propane tank in his home, in Reading. Nguyen had disconnected the stove to refill the propane tank.

BY VERDICTSEARCH

Nguyen v. Vinh Hung Enterprise
\$9.3M Verdict

Date of Verdict:

Jan. 24.

Court and Case No.:

C.P. Philadelphia No. 150703410

Judge:

John M. Younge.

Type of Action:

Products Liability.

Injuries:

Third-degree burns on face, arms, legs and neck.

Plaintiffs Counsel:

Kenneth F. Fulginiti and Sarah F. Dooley, Duffy + Partners, Philadelphia.

Plaintiffs Experts:

Alex Karras, life care planning, Jamison; David Hopkins, economics; King of Prussia; Irene Mendelsohn, vocational reha-



Kenneth F. Fulginiti

bilitation, Penn Valley; Howard Caplan, plastic surgery/reconstructive surgery, Philadelphia; Robert Sing, general practice, Springfield; William Vigilante Jr., ergonomics/human factors, Phoenixville.

Defense Counsel:

None reported

Comment:

On Aug. 10, 2013, plaintiff Luong Nguyen, 51, a fruit picker, was reconnecting an Amba Super Gas Stove to a propane tank in his home, in Reading. Nguyen had disconnected the stove to refill the propane



Sarah F. Dooley

tank. After reconnecting the stove, he turned its control knob to the right, in order to light it, but it did not light. He turned it again with the same outcome. As Nguyen turned the knob a third time, the gas ignited, shooting fireballs from the stove's electronic ignition and from both sides of the stove. Nguyen suffered extensive burns throughout his body.

Nguyen sued stove-manufacturer Ambaware Products Inc., a California-based, privately held company, alleging claims under a theory of products liability, including design defect and failure to warn. He also

sued the Philadelphia store which had sold the stove, Vinh Hung Gift Shop, and its owner, Vinh Hung Enterprise Inc., alleging breach of warranty.

Nguyen and Vinh Hung negotiated a pre-trial settlement, in which the store tendered its \$1 million policy with Allstate Insurance Co.

Ambaware Products failure to answer any of Nguyen's pleadings and a default judgment was entered against the company. The case went to a bench trial on the issue of damages against Ambaware.

Nguyen's counsel maintained that the Ambaware stove was defective because the igniter was positioned too closely to the main burner ring. The close proximity permitted a large volume of propane gas to collect, which resulted in a main fireball. The igniter should have been positioned farther away from the main burner ring.

Counsel also alleged the stove lacked adequate warnings and was supported by a report from an expert in human factors/warnings. Accompanying the stove was one sheet of paper with instructions. The instructions had been originally written in Vietnamese, then translated to English; as a result, the instructions had become compromised in translation. For instance, unintelligible phrases like "Do not spray fire fire tubes" were part of the instruction sheet.

Nguyen was taken by ambulance to a hospital, where he was diagnosed with second- and third-degree burns throughout this face, neck,

hands, arms, and legs. During his month-long hospitalization, Nguyen had multiple debridements and burn-related treatment. He later suffered pneumonia and respiratory failure and underwent a tracheostomy. He was transferred to a rehabilitation facility on an inpatient basis, and was discharged home on Sept. 28.

In the ensuing months, Nguyen regularly followed up with multiple physicians, including burn specialists and pulmonologists. In February 2014, he had testing which revealed that he had suffered severe vocal cord damage in the form of airway dysfunction secondary to vocal paralysis. In March 2014, he had a vocal cord cordotomy, in which a tracheostomy tube was surgically implanted to assist with his breathing. The tube was not removed until early 2015. In the ensuing years, and until the time of trial, Nguyen regularly consulted with his doctors. He sought to recover \$1,441,542 in past medical costs.

Nguyen's expert in general practice detailed Nguyen's extensive injuries and treatment, and opined that his prognosis was poor. He had chronic bronchitis, persistent upper- and lower-respiratory issues, scar- and sensory-related issues, and ongoing airway dysfunction secondary to vocal paralysis.

According to the expert, Nguyen requires lifelong follow-ups with doctors, physical therapy, and additional vocal cord cordotomies and tracheostomies. Nguyen sought to recover \$384,465 in future medical expenses.

His expert in plastic surgery stated that, of Nguyen's extensive scarring on his face, neck, arms, and legs, the scarring around his knees could potentially undergo scar-revision surgery.

Nguyen's expert in vocational rehabilitation determined that based on his injuries, fifth-grade education, and the fact that he does not speak English, Nguyen was permanently disabled. He sought to recover \$77,940 in past lost wages and \$411,701 in future lost wages.

Nguyen, through an interpreter, testified that he is in constant pain and discomfort from his scarring, labored breathing, and sensitivity to touch. He speaks at a low volume and is fatigued with over-exertion. He sought damages for past and future pain and suffering.

Nguyen's wife testified that she now performs all household duties, because of Nguyen's impaired condition. This includes labor-intensive tasks like mowing the lawn and shoveling snow, as well as caring for their five children. She sought damages for a claim for loss of consortium.

The court determined that the Nguyens would receive damages of \$9,315,648.

This report is based on information that was provided by plaintiffs counsel. The defendants were not asked to contribute.