

## [Products Liability Law Daily Wrap Up, COMPLAINTS—HOUSEHOLD PRODUCTS—Pa. Ct. Com. Pl.: IKEA faces suit stemming from toddler's death caused by dresser tip-over, \(Jun. 25, 2018\)](#)

Products Liability Law Daily Wrap Up

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By Kathleen Bianco, J.D.

The parents of a toddler who was fatally injured after an IKEA dresser toppled over on top of him filed a lawsuit in a Pennsylvania state court against IKEA, the manufacturer and seller of the MALM line of furniture, alleging that the unsafe design of the dresser presented an unreasonable tip-over hazard. The complaint alleges that IKEA failed to provide adequate warnings or instructions regarding the known tip-over hazard of its MALM dresser. The complaint further asserts that IKEA had consistently refused to meet voluntary national safety standards for stability of chests and dressers that other American furniture companies have embraced ([Dudek v. IKEA U.S. Retail, LLC](#), June 18, 2018).

On May 24, 2017, the toddler's father found his son in the bedroom where the child had been sleeping pinned between the drawers of an IKEA MALM dresser, which had fallen on top of him. The parents had purchased the dresser in 2008 from an IKEA store in Costa Mesa, California. After removing the dresser from the child, the father began administering CPR while attempting to summon help. The child was eventually transported to a local hospital where he later died. The official cause of death was identified as asphyxia caused by mechanical compression of the neck.

According to a [press release](#) from Feldman Shepherd Wohlgeleinter Tanner Weinstock Dodig LLP, the law firm representing the parents, IKEA was aware of other deaths and injuries arising from furniture tip-overs but failed to take adequate measures to improve the safety and stability of the dressers. The firm previously represented the families of three other children who suffered fatal injuries caused by MALM dresser tip-overs. Those cases resulted in a \$50 million settlement in which IKEA agreed to redesign its dressers to comply with tip-over stability standards.

**Causes of action.** The complaint alleges claims against the furniture manufacturer for strict products liability and negligence and recklessness, and asserts damages under wrongful death and survival actions along with punitive damages and damages for negligent infliction of emotional distress. As to the strict liability claim, the parents assert that the dresser was defectively designed because it was unreasonably dangerous for its intended and foreseeable use. The complaint alleges that as a direct and proximate result of the defective and dangerous design and the manufacturer's failure to warn consumers, the parents and their deceased child suffered injury and loss.

In their negligence and recklessness claim, the parents allege that the furniture manufacturer and retailer failed, among other things, to design the dresser properly in order to prevent or minimize the occurrence of tip-over accidents; intentionally marketed and sold the dresser as free-standing furniture, despite actual knowledge of its unstable design; failed to warn consumers adequately of the significant tip-over danger of the dresser; and deliberately and recklessly failed to conduct an adequate recall of the dresser. As a proximate cause of this negligent and careless behavior, the minor child sustained fatal injuries and the parents suffered the loss of their son. The complaint also includes a claim for punitive damages based on the alleged willful and wanton conduct of the manufacturer.

**Relief sought.** The decedent's parents demand judgment in their favor seeking compensatory and punitive damages, along with interest and cost.

The case is No. [171204131](#).

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Companies: IKEA U.S. Retail, LLC; IKEA of Sweden AB

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