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Suit Charges Samsung Produced Faulty Washers, Hid the Defects

Owners of clothes washers made by Samsung Electronics America who say they've been put through the wringer have filed a class-action suit in federal court in Newark.

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Owners of clothes washers made by Samsung Electronics America who say they've been put through the wringer have filed a class-action suit in federal court in Newark.

The plaintiffs allege the washers can't handle large items despite the claim of "super capacity," leave clothes unclean and smelling of mildew. In addition, rubber components disintegrate prematurely, scraps of metal collect in the drain hose and the machines suffer from premature pump failure, according to the complaint.

Frequent service calls are required, but they often fail to correct the defects, says the putative plaintiff class, comprised of more than 100 individuals who own or have owned Samsung washers models WF331ANW, WF1124XAU, WF328AAW, WF209ANWXXA, WF218ANWXAC and any other Samsung washers with similar defects.

The District of New Jersey has personal jurisdiction because Samsung has its principal place of business in Ridgefield Park and its conduct injured people in the district, the suit says.

The complaint, filed Aug. 24, includes a claim under New Jersey's Consumer Fraud Act as well as counts of fraudulent concealment, nondisclosure, breach of express and implied warranties and negligent misrepresentation.

Lead plaintiff Robert Durso of Colts Neck paid \$549.97 plus tax for his machine on Nov. 8, 2011. The manual indicated it could handle a king-sized comforter, but when he tried to wash his, the machine would not spin properly, he claims. Technicians sent by Samsung looked at Durso's washer twice, but it still does not work properly, he alleges.

The suit further charges that Samsung is estopped from relying on a statute-of-limitations defense due to its alleged fraudulent concealment of the defects.

According to the suit, Samsung was on notice of the defects, but continued to produce more washers with the same problems.

The complaint listed more than a dozen comments that washer owners wrote on the company's website and other websites, describing the defects and the Samsung's allegedly unsatisfactory attempts to correct them.

"Samsung was or should have been aware at the time it sold the washers that many purchasers had complained they were defective because many individuals posted their dissatisfaction on Samsung's own website," the suit says.

"The fact that their own website shows these defects — you'd think they'd be checking their own website," says Randee Matloff of Nagel Rice in Roseland. She filed the suit with Bruce Nagel of the same firm and Red Bank solo Michael Kasanoff.

The complaint says the washers fail to meet consumers' reasonable expectations that they will function properly for at least 10 years. It cites statistics from the Association of Home Appliance Manufacturers, which says a typical top-loading

washer lasts 14 years, while a typical front-loader lasts 11 years.

A Samsung spokeswoman says the company does not comment on pending litigation.

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