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## Defects Alleged in Electrolux Refrigerators' Ice-Makers

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Appliance giant Electrolux is facing claims in New Jersey and New York that ice makers in some of its refrigerators fail prematurely and spring damaging leaks.

Plaintiffs in two federal putative class actions claim that the ice makers, rather than providing "ice at your fingertips" as advertised, stop working only months after purchase and start leaking, causing damage to other parts of the refrigerators and surrounding areas.

The New Jersey complaint, *Kuzian v. Electrolux Home Products Inc.*, 12-cv-3341, filed June 1 in Camden, lists five models of Electrolux Icon French door and side-by-side units that the Charlotte, N.C.-based company began making and selling in 2008 and 2009 at prices ranging from \$1,900 to \$3,600.

The named plaintiff, Mariusz Kuzian of Egg Harbor, N.J., claims he spent \$3,000 on a French door/bottom-freezer unit at Sears in November 2009 and followed the use and care instructions.

Nonetheless, the freezer stopped producing ice a year later, the plaintiff claims. Sears repaired the unit, though the fix lasted only six months, after which the ice maker ceased working again, and, this time, the refrigerator's front electronic display stopped working too, Kuzian says.

Kuzian also alleges that the refrigerator's interior light stays on when the door is closed, causing damage to the unit and bringing its internal temperature above what is safe for food storage, leading to at least \$500 in perished groceries.

The problem allegedly is caused by a design defect. Aside from interfering with the inability to make ice, the defect also causes water to leak into and around the refrigerators, damaging floors, walls and ceilings on lower levels, and the units themselves, particularly their electronic components, the plaintiffs allege.

The defect "manifests during the expected useful life of the Refrigerators, both within and outside applicable warranty periods," requiring costly repairs to and replacements of the products, which should last 10 to 17 years, the plaintiffs say.

In addition, Electrolux allegedly knew, "or was reckless in not knowing," about the defect, knowingly sold the units rather than addressing the defect, and did not correct the problem despite numerous customer complaints about the malfunction.

Electrolux failed to address the problem even though a customer service specialist, Chris Polk, has been on Facebook and an online chat board, and read many customer complaints relating this specific malfunction, the plaintiffs claim.

"As detailed by the small sample of consumer complaints described herein, consumers continued to complain from 2008 to the days leading up to the filing of this complaint," the plaintiffs say, adding that Electrolux knowingly provided repairs, in and out of warranty, that were only temporary.

Electrolux fraudulently concealed the defect from distributors and customers, leading people to pay more for what they believe is a superior product, they claim.

The plaintiffs urge tolling the statute of limitations — because of the latent nature of the defect and the company's alleged fraudulent conduct — and applicability of New Jersey law.

The litigants seek certification for all U.S. buyers of any Electrolux refrigerator containing the defect and allege violations of the New Jersey Consumer Fraud Act, breach of express and implied warranty, and negligent misrepresentation.

They seek refunds, compensatory damages, restitution, treble damages, injunctive relief, interest, attorney fees and other relief.

Plaintiff counsel Bruce Nagel of Nagel Rice in Roseland says: "We hope that the company realizes that this is a material defect in the refrigerators, and that they're willing to correct it."

The suits are the first lodged over this alleged malfunction, Nagel adds.

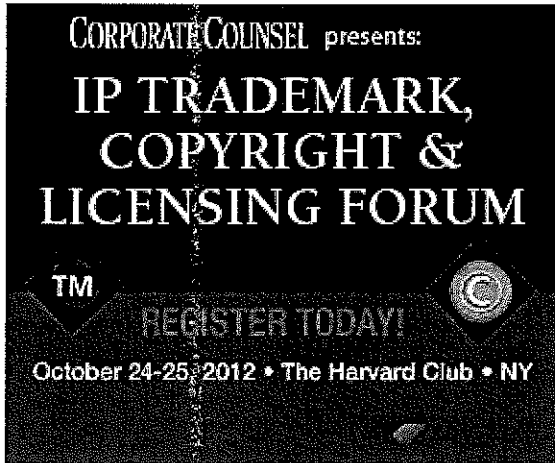
The putative class also is represented by Poulos LoPiccolo in Ocean.

Jeffrey Garrod of Orloff Lowenbach Stifelman & Siegel in Roseland, who represents Electrolux, did not return a call.

Electrolux spokeswoman Caryn Klebba did not respond to an e-mail requesting comment.

The matter is assigned to U.S. District Judge Noel Hillman and U.S. Magistrate Judge Ann Marie Donio.

The New York case, *LoPiccolo v. Electrolux Home Products Inc.*, 12-cv-2397, was filed May 14 in the Eastern District of New York. •



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