

PENNSYLVANIA RECORD

Parents of girls who died in house fire say hoverboard batteries are to blame for their deaths

By Nicholas Malfitano

Sep 22, 2022

ALLENTOWN – The parents of two sisters killed in a house fire in Hellertown last April allege the girls' hoverboard ignited while charging and caused the fatal blaze, and have sued the manufacturer and retailer of the device.

Damien W. Kaufman and Jennifer Lee Kaufman of Hellertown filed suit in the U.S. District Court for the Eastern District of Pennsylvania on Sept. 21 versus Jetson Electric Bikes, LLC of Brooklyn, N.Y. and Walmart, Inc. of Bentonville, Ark.

The suit claims that both defendant companies knew or should have known that the Jetson Rogue Hoverboard's batteries had the ability to short circuit and cause fires while charging, and that the product was not sufficiently tested before it was distributed and sold; in this case, through Walmart.

Firefighters arriving to the scene pulled both girls out of the home, but they later died at the hospital of burns and smoke inhalation.

Northampton County District Attorney Terence Houck's office said the cause of the fire was electrical in nature and the girls' deaths were ruled accidental in April.

"On Dec. 10, 2018, plaintiff, Damien Kaufman, purchased the Jetson Rogue Hoverboard at Walmart (authorized dealer of the Jetson Rogue Hoverboard) located at 195 North West End Boulevard, Quakertown, Pennsylvania 18951 as a Christmas gift for plaintiff minor-decedent, Brianna Baer. The Jetson Rogue Hoverboard, and/or its component parts, were designed

and/or manufactured by defendants. On April 1, 2022, plaintiff minor-decedent, Abigail Kaufman began charging the Jetson Rogue Hoverboard inside her bedroom,” the suit says.

“While charging, the Jetson Rogue Hoverboard ignited causing the home to be engulfed with flames and smoke. Plaintiff Jennifer Kaufman, was able to escape the home from her first-floor bedroom. Plaintiff Damian Kaufman, was inside the home’s garage at the time of the fire, but was unable to enter the home due to the intensity of the fire. Plaintiff minor-decedents, Abigail Kaufman and Brianna Baer, were trapped on the second floor inside Brianna Baer’s bedroom.”

The suit adds plaintiffs Jennifer Kaufman and Damian Kaufman, stood on the front lawn of their home and watched helplessly as the girls awaited fire rescue.

“Plaintiff minor-decedents, Abigail Kaufman and Brianna Baer, were retrieved by the Dewey Fire Department from the home’s third floor and transported to St. Luke’s Hospital. At approximately 6:37 am, plaintiff minor-decedent, Brianna Baer was pronounced dead as a result of smoke inhalation and/or effects of the fire. At approximately 8:25 am, Plaintiff minor-decedent Abigail Kaufman was pronounced dead as a result of smoke inhalation and/or effects of the fire. Plaintiffs’ home at 630 Linden Avenue, Hellertown, Pennsylvania 18055 and the personal belongings therein were completely destroyed,” the suit states.

“Due to the unreasonably dangerous and defective design of the Jetson Rogue Hoverboard, as described throughout this complaint, plaintiff minor-decedents, Abigail Kaufman and Brianna Baer were caused to burn and suffer smoke inhalation, which resulted in their deaths, witnessed by their parents, plaintiffs, Jennifer Kaufman and Damian Kaufman on April 1, 2022. Defendants’ manual and website fails to acknowledge the risk of severe injury or death to owners through fire caused by its defective design, and they proceeded to market and sell the Jetson Rogue Hoverboard anyway.”

Thomas R. Kline, a member of plaintiff counsel, indicated that he and the plaintiffs seek to hold both Walmart and Jetson Electric Bikes accountable for their alleged roles in the fatal fire.

“We intend to hold the seller and the manufacturer of this dangerous product responsible for the deaths of two innocent young children, and, in doing so, seek to prevent future preventable injury, death and grief from occurring,” Kline stated.

For counts of strict products liability, strict products liability – failure to warn, negligence, negligent/reckless misrepresentation, breach of express warranty, breach of implied warranty of fitness for a particular purpose, violation of Pennsylvania’s Unfair Trade Practices and Consumer Protection Law, negligent infliction of emotional distress, survival and wrongful death, the plaintiffs are seeking compensatory and punitive damages in excess of \$75,000, exclusive of pre-judgment interest, post-judgment interest and costs.

The plaintiffs are represented by Thomas R. Kline, Aaron L. Dunbar and John P. O’Neil of Kline & Specter, in Philadelphia.

The defendants have not yet secured legal counsel.

U.S. District Court for the Eastern District of Pennsylvania case 5:22-cv-03765