United States District Court

for the

MIDDLE DISTRICT OF NORTH CAROLINA

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| Sally Schlimazel,  Plaintiff  v.  Mebelmacher Designs, Inc.,  Defendant. | Civil Action No. \_\_\_\_\_ |

# COMPLAINT

Plaintiff, Sally Schlimazel, alleges against the Defendant as follows:

# Statement of Jurisdiction

1. The plaintiff is a citizen and resident of Massachusetts.
2. On information & belief, the defendant, Mebelmacher Designs, Inc., is a business incorporated and having its principal place of business in North Carolina.
3. The amount in controversy, without interest and costs, exceeds the sum or value specified by 28 U.S.C. § 1332.

# Statement of the Claim

1. On June 13, 2014, while the plaintiff was visiting a friend at his Miami, Florida home, the plaintiff’s foot came into contact with the base of the chair in which she was seated. The plaintiff felt a sudden intense pain, and saw that her foot was bleeding. Examining the base of the chair, the plaintiff found a sharp metal edge that had cut her foot, causing a deep laceration and a severed tendon.
2. Treatment of the plaintiff’s injuries required surgery and hospitalization. As a result of her injuries, the plaintiff has experienced severe and prolonged physical pain and mental suffering, and has incurred substantial medical expenses.

## Count I: Negligent Design and/or Manufacture

1. Plaintiff realleges and incorporates by reference the allegations of each of the preceding paragraphs in their entirety.
2. The chair that caused the plaintiff’s injury was a Swivel Tub Chair designed by the defendant, Mebelmacher Designs, Inc.
3. The defendant was negligent in failing to design the Swivel Tub Chair so that it was safe for its intended purpose, and was further negligent in failing to warn against the risk of injury in the course of the chair’s ordinary and intended use.
4. As a direct and proximate result of the defendant’s negligence, the plaintiff sustained serious injuries.

## Count II: Strict Liability—Defective Design and/or Manufacture

1. Plaintiff realleges and incorporates by reference the allegations of each of the preceding paragraphs in their entirety.
2. The defendant designed the Swivel Tub Chair, and made it available for sale.
3. The Swivel Tub Chair, as designed by the defendant, is defective and unreasonably dangerous.
4. The defendant failed to provide any warning of the chair’s defective design.
5. As a direct and proximate result of the chair’s defective design and the absence of a warning, the plaintiff sustained serious injuries.

Wherefore, plaintiff Sally Schlimazel demands judgment against the defendant in the sum of $ 100,000, plus costs.

Date: January 30, 2015 Waldorf T. Flywheel

Waldorf T. Flywheel

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