



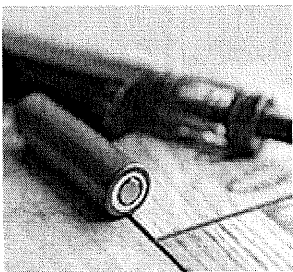
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PRODUCTS LIABILITY LAW REPORTER

CASE IN POINT

E-CIGARETTE BATTERY LACKED WARNING ABOUT EXPLOSION DANGER

February 2017



The plaintiff, who was burned when an e-cigarette battery exploded in his shirt pocket, sued the retailer that sold the battery, alleging that it was defective and lacked adequate warnings. In a bench trial, the court awarded about \$1.24 million. *Heinlein v. Vapormax Inc.*

James Heinlein, 31, was carrying an e-cigarette battery in his shirt pocket when the battery exploded. Heinlein suffered first-, second-, and third-degree burns to his torso and right thigh. He was hospitalized and underwent debridement and grafting of skin harvested from his left thigh. He now has scars to the burned areas, which cause itching.

Heinlein sued the retailer that sold the battery, Vapormax Inc., alleging that the battery was defective and lacked adequate warnings. The plaintiff contended that the defendant failed to warn that storing the battery next to metal objects could cause it to explode. He asserted that keys he had stored in his pocket next to the battery had caused it to explode and that, had the product contained a warning, he would not have carried his keys in the same pocket as the battery.

Vapormax failed to answer, and the court entered a default against it.

In a bench trial on damages, the court awarded about \$1.24 million, including \$600,000 for past pain and suffering, \$500,000 for future pain and suffering, about \$139,500 for past medical expenses, and \$4,000 for miscellaneous expenses.

Citation: *Heinlein v. Vapormax Inc.*, No. 602150/16 (N.Y. Sup. Ct. Suffolk Cnty. Dec. 8, 2016).

Plaintiff counsel: Allen J. Rosner, Westbury, N.Y.

▶ DETAILS



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