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COVER STORY

\$60M verdict in defective heater death

Won by Homampour Law Firm, award is one of largest for single plaintiff in Central District

By Deirdre Newman
Daily Journal Staff Writer

SANTA ANA — A federal jury in Orange County has awarded close to \$60 million to the family of a woman who died due to a defective heater. The result is believed to be one of the largest single-plaintiff tort verdicts handed down in the Central District so far this year.

After eight days of deliberation, the jury awarded \$59.3 million to Kenneth Shinedling, husband of Amy Shinedling, who died in a house fire started by an apparently defective radiant quartz heater manufactured by Sunbeam Products Inc. Judge Cormac J. Carney presided. *Shinedling v. Sunbeam Products Inc.*, CV12-438 (C.D. Cal., filed March 27, 2012).

Shinedling's attorney, Arash Homampour of the Homampour Law Firm in Sherman Oaks, said he told the jury that he was "the voice for Amy."

"I cried when the verdict was read because I knew they heard her," he said. "The

size of the award reflects the profound loss this family suffered and will suffer for the rest of their lives."

Homampour said his winning strategy was to show Sunbeam's engineers knew something consumers would not know — that this particular product's automatic shut-off was defective and was likely not capable of preventing a fire.

"Using the heater and the heater's box, I cross-examined Sunbeam's head of safety engineering and project engineer and got them both to admit that they knew the safety feature may not stop a fire, but never told consumers, who would expect that it would," Homampour said.

Sunbeam's lead counsel, Gary A. Wolensky, a partner with Arent Fox LLP, could not be reached for comment Monday.

The fire took place in January 2011 in Pinon Hills. Kenneth and Amy Shinedling were sleeping in the master bedroom with two space heaters running, one of which was a Sunbeam-made radiant quartz heater. Their 3-year-old toddler was in bed with them. Their other two children were in a

separate bedroom. The Sunbeam heater's auto shut-off did not trigger when, in the middle of the night, some clothes got in front of the appliance, causing the fire. Kenneth Shinedling was able to save himself and all three children, but his wife perished in the blaze.

The case was originally filed in state court, because the fire occurred in San Bernardino County, but was moved to federal court because Sunbeam's headquarters are located in Delaware.

The court has yet to provide a breakdown of the verdict, according to Homampour.

Michael H. Artinian, name partner at Bridgford, Gleason & Artinian, said generally, consumers purchase products with the expectation that they will not be harmed by them.

"This tragic case drives home the tremendous responsibility product manufacturers have in ensuring products they place in the stream of commerce are designed safely, and that adequate preventative warnings are provided," he said.