

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

DIANA DUKICH and JOHN DUKICH, on behalf of themselves and all others similarly situated

(b) County of Residence of First Listed Plaintiff Hennepin

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

See attached.

DEFENDANTS

IKEA US RETAIL LLC and IKEA NORTH AMERICA SERVICES, LLC

County of Residence of First Listed Defendant Montgomery

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, CIVIL RIGHTS, PERSONAL INJURY, TORTS, PERSONAL INJURY, LABOR, IMMIGRATION, FORFEITURE/PENALTY, LABOR, SOCIAL SECURITY, FEDERAL TAX SUITS, BANKRUPTCY, OTHER STATUTES.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity).
28 U.S.C. § 1332(d)
Brief description of cause:
Unfair Trade Practices Class Action Against IKEA

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint. JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions) JUDGE DOCKET NUMBER

DATE 05/06/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ Alan M. Feldman

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING FFF JUDGE MAG JUDGE

ATTACHMENT

I. (c) ATTORNEYS

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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

| | | |
|----|---|--------------|
| | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| | : | |
| | : | NO. |

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

| | | |
|------------------|------------------------|-----------------------|
| Date | Attorney-at-law | Attorney for |
| Telephone | FAX Number | E-Mail Address |

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 5301 Harriet Ave., Minneapolis, MN 55419

Address of Defendant: 420 Alan Wood Road, Conshohocken, PA 19428

Place of Accident, Incident or Transaction: Pennsylvania and Nationwide

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes No
- 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes No
- 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? Yes No
- 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? Yes No

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 05/06/2020 _____ /s/ Alan M. Feldman _____ /s/ Alan M. Feldman 23210
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FEELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify) _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify) _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify) 28 U.S.C. § 1332(d)

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Alan M. Feldman, counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

DATE: 05/06/2020 _____ /s/ Alan M. Feldman _____ /s/ Alan M. Feldman 23210
Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DIANA DUKICH and JOHN DUKICH, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

IKEA US RETAIL LLC and IKEA NORTH
AMERICA SERVICES, LLC,

Defendants.

CIVIL ACTION NO. _____

CLASS ACTION COMPLAINT

TRIAL BY JURY DEMANDED

NOW COME Plaintiffs, DIANA DUKICH and JOHN DUKICH, on behalf of themselves and all others similarly situated, and complaining of Defendants IKEA US RETAIL LLC and IKEA NORTH AMERICA SERVICES, LLC (collectively “IKEA” or “Defendants”), allege as follows:

I. PRELIMINARY STATEMENT

1. Plaintiffs Diana Dukich and John Dukich are adult individuals and are citizens and residents of the State of Minnesota. Plaintiffs are the parents of two young children who purchased MALM dressers from IKEA, a national retailer, in or about 2012.

2. IKEA manufactured and sold dangerous and defective chests and dressers under the model name MALM and other model names (hereinafter collectively the “chests and dressers,” “subject chests and dressers” or “defective chests and dressers”) to Plaintiffs and the Class over a period of several years.

3. The dangerously defective chests and dressers were front-heavy, unstable and due to their poor design, prone to tip over during normal and expected use, resulting in death and injury to many children.

4. The defective design of the subject chests and dressers was admitted by IKEA when it publicly recognized that its dressers were unsafe, unstable and unfit for use as freestanding furniture in a voluntary recall initiated with the United States Consumer Products Safety Commission (“CPSC”) on June 28, 2016, which IKEA “re-announced” on November 21, 2017.

5. In the recall, IKEA admitted that “[T]he recalled chests and dressers are unstable if they are not properly anchored to the wall, posing a serious tip-over and entrapment hazard that can result in death or injuries to children...Consumers should immediately stop using any recalled chest and dresser that is not properly anchored to the wall and place it into an area that children cannot access.” *See* June 28, 2016 Recall Announcement and list of Non-MALM recalled IKEA Chests of Drawers/Dressers attached hereto as Exhibit “A.”

6. IKEA further promised that “[C]onsumers are entitled to a full refund for chests and dressers manufactured between January 2002 and June 2016.” *Id.*

7. Plaintiffs and the Class did not know and could not have known until the 2016-2017 timeframe that their IKEA dressers were dangerous, defective and not safe or suitable for their ordinary use.

8. Despite knowledge that its chests and dressers were unstable, unsafe and unfit for normal use, IKEA’s recall efforts have been woefully inadequate and ineffective in advising consumers of the recall, removing these dangerous products from consumers’ homes and reimbursing consumers for the full purchase price of the subject defective and dangerous chests and dressers.

9. Indeed, available data indicates that IKEA’s feeble recall efforts have resulted in the recall of only a paltry number of the defective and dangerous chests and dressers from the homes of American consumers.

10. Although IKEA promised a “full refund” to all owners who requested a refund in connection with the recall, this was a mirage, as will be further discussed below. Most purchasers of the defective chests and dressers did not receive notice of the recall, as a consequence of IKEA’s decision not to contact purchasers directly by mail, email, text or other means. Further, plaintiffs and class members who were aware of the recall received no refund, even though Plaintiffs and many other consumers tried to return the defective and dangerous chests and dressers and sought the full refund promised under the voluntary recall.

11. Now, Plaintiffs and a Class of purchasers and owners of the defective chests and dressers seek through a class action to compel IKEA to honor the promise it failed to keep because of its anemic voluntary recall.

II. JURISDICTION and VENUE

12. This Court has personal jurisdiction over the parties.

13. This Court has subject matter jurisdiction over Plaintiffs’ claims pursuant to the Class Action Fairness Act and 28 U.S.C. § 1332(d).

14. Upon information and belief, the number of all proposed plaintiff class members in the aggregate is greater than 100 and the aggregate value of the claims of the individual class members exceeds the sum or value of \$5,000,000, exclusive of interest and costs.

15. Venue is proper in this District because Defendants maintain their United States headquarters in this District.

III. PARTIES

16. Plaintiff DIANA DUKICH is a natural person.

17. Plaintiff JOHN DUKICH is a natural person.

18. Defendant IKEA US RETAIL LLC (“IKEA Retail”) is a Virginia limited liability company with a principal place of business located at 420 Alan Wood Road, Conshohocken, Pennsylvania. At all times relevant to Plaintiffs’ claims, IKEA Retail was and is the business entity responsible for the sale, distribution and returns of the defective chests and dressers. The location of IKEA Retail is the U.S. headquarters for the U.S. retail sales of IKEA furniture.

19. Defendant IKEA NORTH AMERICA SERVICES, LLC (“IKEA Services”) is a Virginia limited liability company with a principal place of business located at 420 Alan Wood Road, Conshohocken, Pennsylvania. Upon information and belief, IKEA Services is the IKEA business entity responsible for executing the recall of the defective and dangerous chests and dressers, for issuing national communications and representations concerning the same, and for providing information to the CPSC concerning the same.¹

IV. FACTUAL ALLEGATIONS

IKEA’s Defective and Dangerous Chests and Dressers

20. At all times relevant hereto, IKEA designed, manufactured, tested, distributed and sold furniture throughout the United States, including at IKEA retail stores in Pennsylvania.

21. IKEA’s United States headquarters are located within this District.

22. IKEA’s United States headquarters are responsible for the representations made by IKEA concerning the defective and dangerous chests and dressers, the merchantability of these products, and the voluntary recall of the products in the 2016-2017 timeframe.

¹ Alternatively, IKEA Services is responsible for the above conduct in conjunction with IKEA Retail and/or IKEA Retail is solely responsible for the above conduct.

23. Among the items of furniture available for purchase at IKEA retail stores was a popular series of chests and dressers sold under the model name “MALM,” which were available in various drawer configurations and sizes.

24. A non-exhaustive list of all of the model chests and dressers included in the recall is set forth in the list attached hereto as Exhibit “A.”

25. At all times relevant hereto, IKEA knew that the defective chests and dressers would be used in homes, apartments, and other residential environments throughout the U.S., and that in many homes the subject chests and dressers would be accessible to small children or placed in rooms where small children would be sleeping and playing.

26. IKEA specifically recognized that the drawers of the defective chests and dressers were attractive to children to climb on as a playtime activity. According to Lars Petersson, the President of IKEA operations in the United States who was authorized to speak for IKEA at all times relevant hereto, IKEA was aware that “[c]hests and drawers are a very tempting playground for children [because] they are using the drawers as a ladder. If children are doing that, the risk of tip-over is very high.”

27. At all times relevant hereto, IKEA knew that defective chests and dressers would be used on a variety of surfaces and in rooms with various configurations.

28. At all times relevant hereto, IKEA knew that its chests and dressers were top-heavy and front-heavy and contained other design elements which rendered them unstable even when used in an intended and/or expected manner.

29. At all times relevant hereto, IKEA knew that its chests and dressers, when used as free-standing units, presented an unreasonable tip-over hazard and were dangerously unsafe for

their intended and/or expected use, particularly in environments in which the furniture was used by and/or accessible to small children.

30. At all times relevant hereto, and since at least the year 2000, IKEA knew that its chests and dressers failed to meet minimum stability requirements for tip-over prevention contained in industry standards, including ASTM F2057.

31. By July 22, 2015, IKEA was aware of multiple deaths and injuries resulting from tip-over incidents involving the defective chests and dressers.

32. Nevertheless, IKEA continued to sell the defective chests and dressers.

33. By June 28, 2016, IKEA had become aware of two additional deaths and 13 additional injuries resulting from tip-over incidents involving the MALM line of defective chests and dressers. IKEA was also aware of tip-over incidents involving chests and dressers sold by IKEA other than the MALM series, which resulted in the deaths of three children and injuries to nineteen more.

34. On June 28, 2016, IKEA initiated a voluntary recall of the defective chests and dressers that included the MALM line and additional children's and adult chests and dressers marketed under various model names. *See Exhibit A.*²

35. In the June 2016 recall announcement, IKEA stated that "About 8 million MALM chests and dressers and 21 million additional children's and adult chests and dressers [had been sold to consumers] in the U.S."³

² IKEA NORTH AMERICAN SERVICES LLC, *IKEA Chests of Drawers/Dressers*, available at https://www.ikea.com/ms/en_US/pdf/non_malm_CoD_list_rev.pdf (last viewed May 6, 2020).

³ CONSUMER PRODUCT SAFETY COMMISSION, *Following an Additional Child Fatality, IKEA Recalls 29 Million MALM and Other Models of Chests and Dressers Due to Serious Tip-Over Hazard; Consumers Urged to Anchor Chests and Dressers or Return for Refund*, available at <https://cpsc.gov/Recalls/2016/following-an-additional-child-fatality-ikea-recalls-29-million-malm-and-other-models-of> (last viewed May 6, 2020).

36. In the June 2016 recall announcement, IKEA stated that, “Consumers are entitled to a full refund for chests and dressers manufactured between January 2002 and June 2016. Consumers with chests and dressers manufactured prior to January 2002 will be eligible for a partial store credit.”⁴

37. June 28, 2016, was the very first opportunity that Plaintiffs or any U.S. owners and purchasers of the chests and dressers had to learn that the MALM and other chests and dressers which they had purchased or owned, and which were now subject to the recall, had serious defects, were not merchantable as they had been represented to be, but were in fact dangerous and not fit for ordinary use.

38. Despite the promises made in connection with its voluntary recall, IKEA employees were not prepared to properly process returns of the defective and dangerous chests and dressers, did not issue “full refund[s],” but rather, if a return was accepted, gift cards were often provided for IKEA merchandise, even if the defective chests and dressers had been manufactured after January 2002.

39. By November 21, 2017, IKEA had learned of an additional child death resulting from a MALM tip-over incident and an additional 91 injuries.

40. IKEA had also learned of an additional 53 injuries to children involving chests and dressers from lines other than the MALM line.

41. On November 21, 2017, IKEA re-announced the recall of the MALM and other defective chests and dressers.

⁴ *Id.* (emphasis added).

42. In the November 21, 2017 re-announcement, IKEA stated that approximately 17.3 million chests and dressers were subject to the recall.

43. In the November 21, 2017 re-announcement, IKEA stated that consumers could obtain a refund, to wit:

Consumers should immediately stop using any recalled chest or dresser that is not properly anchored to the wall and place it in an area that children cannot access. Contact IKEA for a choice between two options: refund or a free wall-anchoring kit. IKEA will pick up the recalled dressers free of charge or provide a one-time, free in-home wall-anchoring service for consumers upon request.⁵

(emphasis added).

44. IKEA's November 2017 re-announcement repeated the same disingenuous statement concerning the availability of refunds from the 2016 recall, while continuing to issue gift cards to consumers who attempted to return defective chests and dressers instead of providing cash refunds.

45. Gift cards for use at IKEA did not and do not adequately compensate consumers who paid cash for the defective and dangerous chests and dressers, incurred costs in returning defective and dangerous chests and dressers to an IKEA retail location, or paid to have the furniture delivered at the time of purchase.

46. Moreover, gift cards are not an adequate remedy for consumers who no longer wish to have IKEA furniture in their home, but would prefer another brand, or who have no need or desire for any IKEA product at all.

⁵ CONSUMER PRODUCT SAFETY COMMISSION, *IKEA Reannounces Recall of MALM and Other Models of Chests and Dressers Due to Serious Tip-over Hazard; 8th Child Fatality Reported; Consumers Urged to Choose Between Refund or Repair*, available at <https://www.cpsc.gov/Recalls/2018/IKEA-Reannounces-Recall-of-MALM-and-Other-Models-of-Chests-and-Dressers-Due-to-Serious-Tip-over-Hazard> (last viewed May 6, 2020).

47. Additionally, IKEA's alternative "remedy" of providing wall anchoring kits was and is an insufficient and non-viable remedy because many consumers do not know how to install them, do not trust that the kit will fix the problem, and because wall anchoring is often ineffective in preventing tip-overs of chests and dressers which are unstable by design.

48. At all times after the announcement of the 2016 recall, IKEA failed to prosecute its campaign to recall the defective chests and dressers in a reasonably effective and earnest manner.⁶

49. Specifically, IKEA failed to develop communications concerning the recall that were effective in reaching purchasers of the defective and dangerous chests and dressers; instead, IKEA carried out an ineffectual and inadequate recall campaign that 1) most purchasers of the chests and dressers never became aware of, 2) failed to motivate purchasers to respond to the recall's promise to provide a refund for recalled items returned to IKEA and 3) did not always provide the cash refund IKEA had promised in its announcement and re-announcement of the recall..

50. Additionally, IKEA failed to take necessary action to contact owners of its defective products as quickly as possible in order to hasten their removal from homes of American consumers, leaving millions of defective and dangerous chests and dressers accessible to consumers and their children.

51. IKEA failed to communicate accurate and understandable information in a timely and effective manner to the public about the defective chests and dressers, the hazards they presented to children, and the availability of refunds and wall-anchoring services.

⁶ See Consumer Product Safety Commission, how to prosecute a recall.

52. IKEA failed to properly coordinate and balance its recall notice efforts. As a result, media coverage of the recall was sparse after the formal announcement of the recall, leaving most consumers unaware that a recall had been announced.

53. Indeed, in the three months following the announcement of the 2016 recall, IKEA had only issued a miniscule number of refunds to consumers of the defective chests and dressers in comparison to the 29,000,000 defective chests and dressers subject to the recall.

54. As a result of IKEA's failure to implement an effective recall, many or most purchasers of the defective chests and dressers did not receive any notice of the recall or the re-announced recall.

55. As a result of IKEA's failure to implement an effective recall, the defective and dangerous chests and dressers have remained in millions of consumers' homes and have increased the likelihood of further harm to children from tip-overs of IKEA's admittedly unsafe and unstable furniture.

56. At all relevant times, IKEA's conduct as described herein was directed by its management from its U.S. headquarters in Pennsylvania, within this District.

57. At all relevant times, IKEA's conduct was a result of deliberate policies and practices, was willful, and was carried out in reckless disregard of the health and safety of consumers and their children.

The Experience of the Representative Plaintiffs

58. Plaintiffs purchased two 4-drawer MALM dressers from an IKEA retail store in 2012.

59. Plaintiffs' 4-drawer MALM dressers are subject to the 2016 recall and the "re-announced" 2017 recall.

60. In August 2018, after becoming aware of the recall, Plaintiffs visited an IKEA store near their home and attempted to return the dressers.

61. Plaintiffs went to the designated returns section of the IKEA store and requested that IKEA accept the return of the two 4-drawer MALM dressers and issue cash refunds pursuant to the announced terms of the recall program.

62. IKEA refused to accept Plaintiffs' dressers under the terms of the voluntary recall.

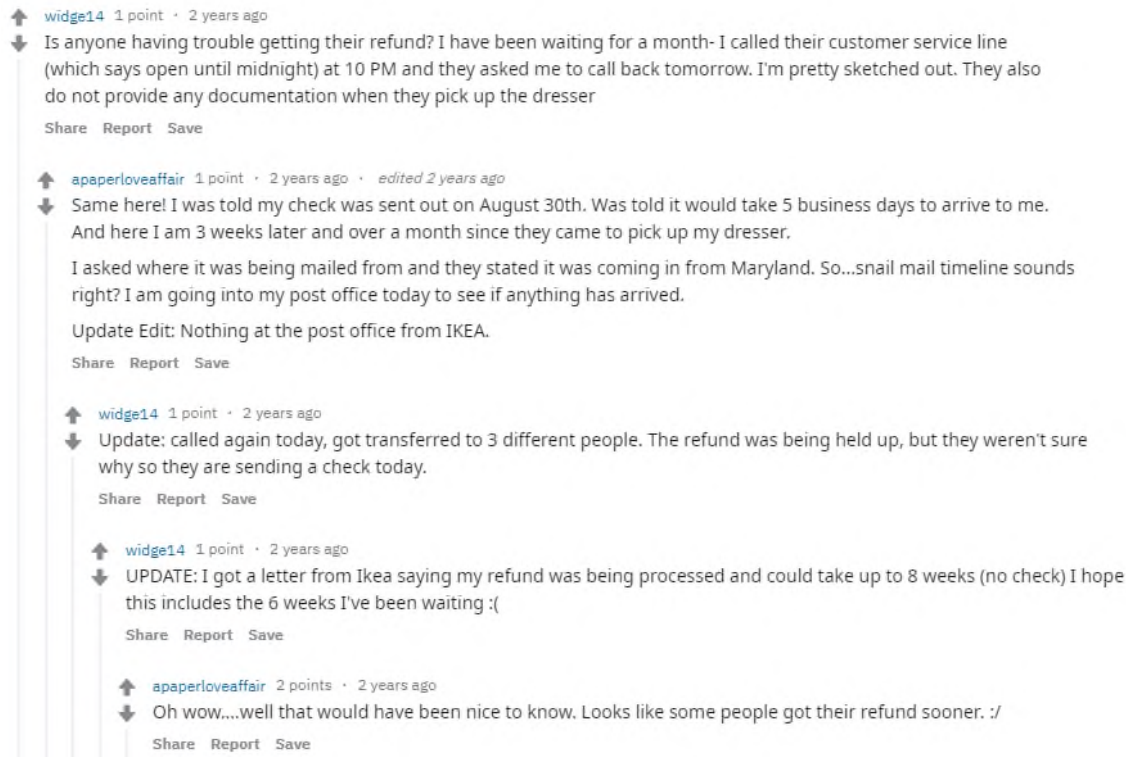
63. IKEA refused to give Plaintiffs a full cash refund for the dressers, as they requested.

64. Plaintiffs had to take the defective and dangerous dressers back to their home, and have for some time kept them in their garage.

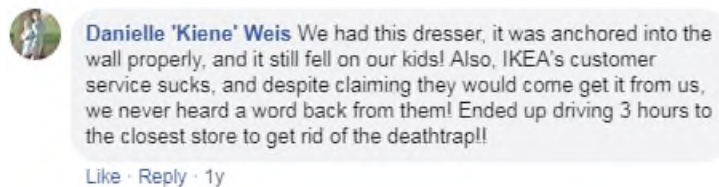
The Experiences of Other IKEA Shoppers

65. Plaintiffs' experience at their local IKEA store is not unique. Among the limited number of owners and purchasers of the defective chests and dressers in the U.S. who were even aware of the recall, many have taken to the internet to complain that IKEA did not honor the terms of the recall, did not process their attempts to return the defective chests and dressers, and did not provide full cash refunds.

66. For example, users in the [Reddit IKEA chest dresser recall megathread](#) have complained about the slowness of IKEA to issue refunds, if at all:




67. On Facebook, in response to a post about the 2017 re-announced recall, one user complained that IKEA, contrary to its representations, refused to come pick up the defective chests and dressers they had purchased:



68. Another user complained about not receiving the refund to which he was entitled by the recall:

Dennis Jung **IKEA** ✓
April 11, 2018 · 🌐

Ikea you are not complying with this recall. Why are you withholding refund checks for SEVERAL MONTHS after collecting your faulty furniture and giving your customers the run around?

 CPSC.GOV
IKEA Reannounces Recall of MALM and Other Models of Chests and Dressers Due to Serious Tip-over Hazard; 8th Child Fatality Reported; Consumers Urged to Choose Between Refund or...

👍 2 3 Comments

👍 Like 💬 Comment ➦ Share

Oldest ▾

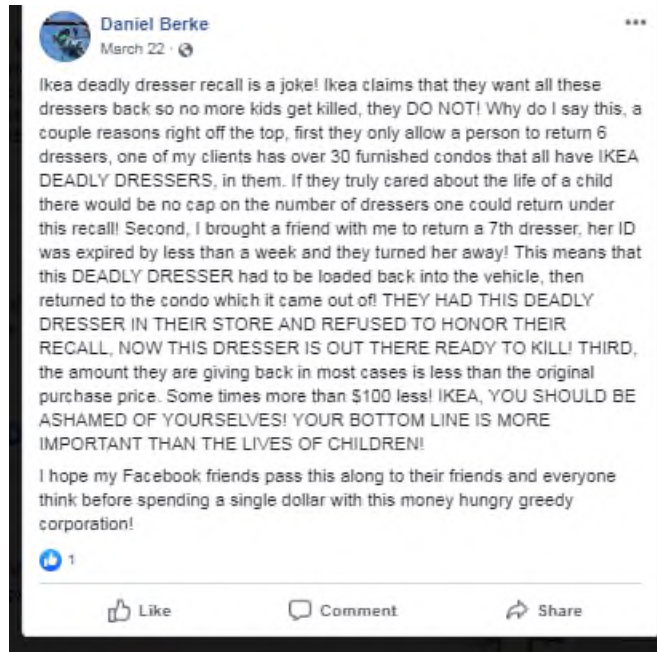
IKEA ✓ Hello Dennis—We're sorry for the delay and we apologize for any inconvenience that's been caused. We checked with our team at IKEA Paramus and a new case (41058244) has been created to expedite your refund. We'll have an update for you within 48 hours and we'll send you a message with your refund check status. If we can help with anything else in the meantime please let us know.
Like · Reply · 1y

Dennis Jung It's been way over 48 hours and I have not been contacted. I am in contact with the better business bureau and the consumer product safety commission and encourage others to do the same.
Like · Reply · 1y

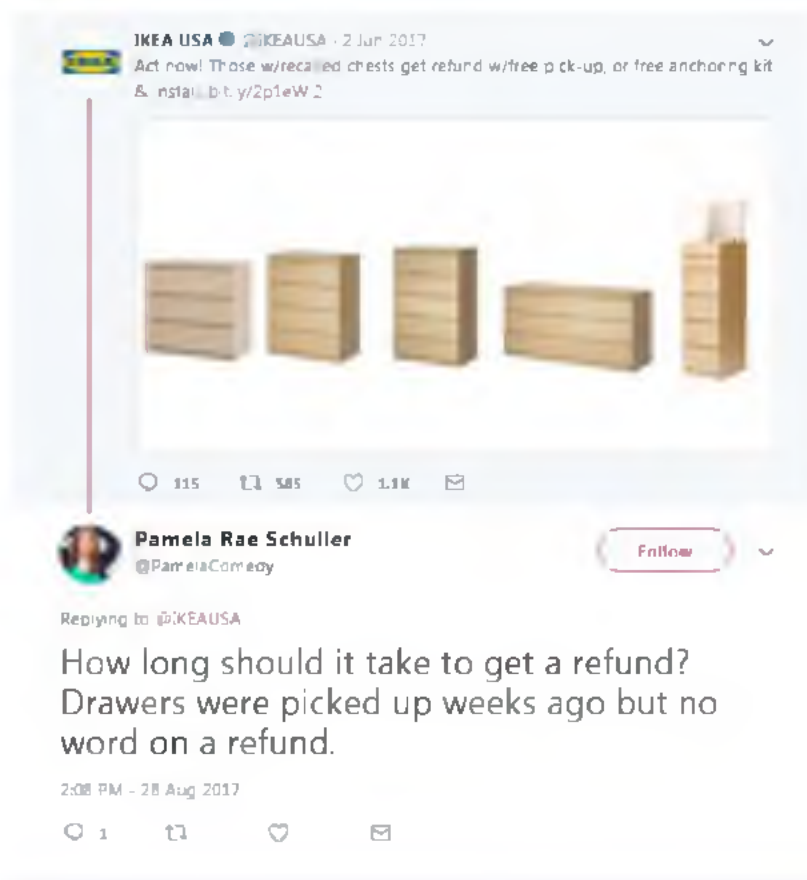
Dennis Jung this is not resolved and no one has tried contacting me at all. I've had to call several times and no one can tell me where the check is
Like · Reply · 1y

Write a reply

69. Still [another user complained](#) that IKEA would not honor returns of multiple defective chests and dressers:




70. On [Twitter](#), one user complained about not receiving her refund after her defective chests and dressers were picked up:



71. Another Twitter user complained of waiting for nearly two months for her refund:



72. On Yelp, a review website, [one user](#) complained that IKEA would not accept a broken MALM dresser that had fallen on her child:




Kasey S.
Irvine, United States
0 friends
85 reviews

★ ★ ★ ★ ★ 14/8/2016

Tried to return some drawers from the defective and **recalled** MALM dresser. The manager, Darlin Pac Delmy, said we couldnt get the refund because we didnt bring the entire dresser w all the frame parts back. As we had already explained, the dresser literally caved in, fell over on our child, and fell apart. We brought back as much of it as we could, but the rest of the frame was in splinters and had to be thrown away with gloves on so the nails and splinters didnt injure us.

Was this review ...?

73. [Another Yelp user](#) complained about IKEA’s unresponsiveness concerning pickup of defective chest and dressers:



Shong C.
Lake Forest, United States
0 friends
3 reviews

★ ★ ★ ★ ★ 17/11/2016

Worst service ever! You better hope you would never need to deal with any service.

As part of the MALM dresser **recall** (which could cause death to children), Ikea could never figure it out with the pickup company.

1st attempt: pickup company never gave a date, and just call randomly on a day and told me they are 10 minutes away. Of course that is a no go. No one is home. No planning, no notice what so ever.

While I have them on the phone, i schedule a date to 2nd attempt on Tuesday. The gal told me they will call to follow up to give me a pickup window. Come Tuesday, no follow up call, no body show up, ever

Call Ikea to figure this out, spent 1 hour on the phone, talked to a supervisor, 1st he try to blame me for not being home, finally he informed me that there is no pickup window, the window is the whole day. I asked for assurance that the pickup company would actually show up, got no answer. So we are scheduled for another week.

Maybe, at some point I would be able to get these 3 pieces of dangerous furniture out of the house. Terrible

No longer going to buy from them. I'll have my refund in check please thank you, and spend it in another furniture store.

2 people voted for this review

💡 Useful 1

😄 Funny 1

😎 Cool

74. Upon information and belief, IKEA was aware of thousands of complaints on Internet sites about IKEA's failure to effectively administer its recall campaign and its failure to comply with the terms of its recall program.

V. CLASS ACTION ALLEGATIONS

75. Plaintiffs bring this class action pursuant to Rule 23 of the Federal Rules of Civil Procedure on behalf of themselves and a nationwide class (the "Class") defined as follows:

All natural persons residing in the United States and its Territories who purchased or owned a chest or dresser included in IKEA's June 28, 2016 recall, and the re-announced recall of November 21, 2017.

76. Excluded from the Class are Defendants and their affiliates, parents, subsidiaries, employees, officers, agents and directors. Also excluded are any judicial officers presiding over this matter and the members of their immediate families and judicial staff

77. No class member could reasonably have discovered the unmerchantable nature of the defective chests and dressers prior to the June 28, 2016 recall announcement.

78. **Numerosity—Federal Rule of Civil Procedure 23(a)(1).** The members of the Class are so numerous that joinder of all members is impracticable. The precise number of Class members is known only to Defendants, but Plaintiffs aver upon information and belief that the members of the Class number in the thousands or millions.

79. **Commonality and Predominance—Federal Rule of Civil Procedure 23(a)(2) and 23(b)(3).** There are questions of law and fact common to the Class that predominate over any questions affecting only individual Class members, including:

- A. Whether the chests and dressers were merchantable;
- B. Whether IKEA represented that chests and dressers were of a particular standard, quality or grade.

C. Whether IKEA carried out its recall campaign and its “re-announced” recall in an effective manner designed to maximize notice of the recall to purchasers and owners of the defective chests and dressers.

D. Whether IKEA provided cash refunds to all consumers who attempted to return defective chests and dressers subject to the recall, as IKEA had promised it would;

E. Whether IKEA made misleading statements in connection with its representations with respect to the availability of cash refunds from its retail stores;

F. Whether IKEA breached any implied warranty of merchantability with respect to the defective chests and dressers;

G. Whether Plaintiffs and the members of the Class have been injured by IKEA’s misconduct;

H. Whether Plaintiffs and the members of the Class are entitled to relief, and the amount and nature of such relief;

I. Whether IKEA fulfilled its voluntarily assumed duty to carry out a timely and effective recall of the defective chests and dressers.

80. ***Typicality—Federal Rule of Civil Procedure 23(a)(3).*** Plaintiffs’ claims are typical of the claims of the members of the Class, which all arise from the same operative facts and are based on the same legal theories.

81. ***Adequacy of Representation—Federal Rule of Civil Procedure 23(a)(4).*** Plaintiffs will fairly and adequately protect the interests of the members of the Class. Plaintiffs are committed to vigorously litigating this matter and have retained counsel experienced in handling consumer class actions. Neither Plaintiffs nor her counsel have any interests which might cause them not to vigorously pursue this claim.

82. This action should be maintained as a class action because the prosecution of separate actions by individual members of the Class would create a risk of inconsistent or varying adjudications with respect to individual members which would establish incompatible standards of conduct for the parties opposing the Class, as well as a risk of adjudications which would as a practical matter be dispositive of the interests of other members not parties to the adjudications or which would substantially impair or impede their ability to protect their interests.

83. Whether Defendants violated the law can be determined by discovery of IKEA's policies and conduct pertaining to prosecution of the recall and by inspection of IKEA's business records.

84. Certification of Plaintiffs' claims for class-wide treatment is appropriate because Plaintiffs can prove the elements of their claims on a class-wide basis using the same evidence as would be used to prove those elements in individual actions alleging the same claims.

85. *Insufficiency of Separate Actions—Federal Rule of Civil Procedure 23(b)(2)*. Defendants have acted in a manner that applies generally to the Class, so that relief is appropriate respecting the Class as a whole. The Class thus satisfies the requirements of Fed. R. Civ. P. 23(b)(2).

86. *Superiority—Federal Rule of Civil Procedure 23(b)(3)*. A class action is a superior method for the fair and efficient adjudication of this controversy. The interest of individual members of the Class in individually controlling the prosecution of separate claims against IKEA is slight because the amount of damages each may recover is limited. Management of the Class's claims is likely to present significantly fewer difficulties than those presented by having many individual claims. Members of the Class may self-identify.

VI. CLAIMS for RELIEF

██████████ Pennsylvania Unfair Trade Practices and Consumer Protection Law

On Behalf of Plaintiffs and the Class

87. Plaintiffs reallege and incorporate by reference the above paragraphs as though fully set forth herein.

88. In a national class action matter, the Pennsylvania Supreme Court recently held that “a non-Pennsylvania resident may bring suit under the [Pennsylvania Unfair Trade Practices and Consumer Protection Law] against a Commonwealth-headquartered business based on transactions that occurred out-of-state.” *Danganan v. Guardian Protection Services*, 645 Pa. 181, 195-96, 179 A.3d 9, 17 (2018).

89. Plaintiffs purchased the defective chests and dressers primarily for personal, family or household purposes within the meaning of 73 P.S. § 201-9.2.

90. All of the acts complained of herein were perpetrated by IKEA in the course of trade or commerce within the meaning of 73 P.S. § 201-2(3).

91. The Pennsylvania Unfair Trade Practices and Consumer Protection Law (“UTPCPL”) prohibits unfair or deceptive acts or practices, including: (i) “Representing that goods or services have . . . characteristics, . . . benefits or qualities that they do not have;” (ii) “Representing that goods or services are of a particular standard, quality or grade . . . if they are of another;” (iii) “Advertising goods or services with intent not to sell them as advertised;” and (iv) “Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or misunderstanding.” 73 P.S. § 201-2(4).

92. IKEA engaged in unlawful trade practices, including representing that defective chests and dressers have characteristics, uses, benefits, and qualities which they do not have;

representing that defective chests and dressers are of a particular standard and quality when they are not; advertising defective chests and dressers with the intent not to sell them as advertised; promising cash refunds to persons who returned recalled chests and dressers but failing in many instances to issue the refunds; deliberately carrying out a feeble and ineffective recall campaign that IKEA knew would not reach most American consumers; and engaging in other fraudulent or deceptive conduct which created a likelihood of confusion or of misunderstanding.

93. In the course of its business, IKEA concealed the defects in the defective chests and dressers and otherwise engaged in activities with a tendency or capacity to deceive. IKEA also engaged in unlawful trade practices by employing deception, deceptive acts or practices, fraud, misrepresentations, or concealment, suppression or omission of material facts with intent that others rely upon such concealment, suppression or omission, in connection with the sale of the defective chests and dressers. The defects in the defective chests and dressers include not only the specific design defect (*e.g.*, the tendency to tip over and cause injury), but also include the defective process through which IKEA built the defective chests and dressers, a process that included cost-cutting, minimizing the importance of safety issues, the depletion of resources devoted to recognizing and studying safety issues, and the failure to adhere to a recognized safety standard, namely ASTM F2057. All of these defective processes would be material to a reasonable consumer.

94. Long before it initiated the June 28, 2016 recall, IKEA, but not the public or the Class herein, knew of serious defects impairing the safe use of the defective chests and dressers sold to Plaintiffs and Class members, because of lawsuits, investigations, and notifications from regulatory authorities. IKEA acquired additional information concerning the serious defects and safety issues impacting the defective chests and dressers, but concealed that information.

95. By failing to disclose and by actively concealing the defects in the defective chests and dressers, which it marketed as safe, reliable, and of merchantable quality, IKEA engaged in unfair and deceptive business practices in violation of the UTPCPL.

96. In the course of IKEA's business, it willfully failed to disclose and actively concealed the dangerous risk posed by the defects in the defective chests and dressers.

97. IKEA's unfair or deceptive acts or practices were likely to and did in fact deceive reasonable consumers, including Plaintiffs and Class members, about the true safety and reliability of the defective chests and dressers.

98. IKEA knew or should have known that its conduct violated the UTPCPL.

99. IKEA's unfair and deceptive trade practices harmed Plaintiffs and Class members because the defective chests and dressers were worthless as the result of IKEA's concealment of, and failure to remedy, the defects.

100. Indeed, IKEA purported to offer a full refund during the recall process in acknowledgement of the fact that the chests and dressers were of no economic value whatsoever to purchasers and owners, because of the inability to use the chests and dressers arising from their inherently unstable design.

101. IKEA's concealment of the defects in the defective chests and dressers was material to Plaintiffs. If they had been aware of same, Plaintiffs would not have purchased the defective chests and dressers.

102. Plaintiffs suffered ascertainable loss caused by IKEA's misrepresentations and its concealment of and failure to disclose the defects in the defective chests and dressers.

103. As a direct and proximate result of IKEA's violations of the UTPCPL, Plaintiffs and Class members have suffered damages in an amount, at a minimum, of the purchase price of the defective chests and dressers.

104. IKEA is liable to Plaintiffs and members of the Class for the relief sought herein, in an amount to be proven at trial.

██████████ Breach of the Implied Warranty of Merchantability

On Behalf of Plaintiffs and the Class

105. Plaintiffs reallege and incorporate by reference all paragraphs as though fully set forth herein.

106. At all times relevant to Plaintiffs' claims, IKEA was a merchant with respect to the defective chests and dressers.

107. A warranty that the defective chests and dressers were in merchantable condition was implied by law in the transactions pursuant to which Plaintiffs and members of the Class purchased the defective chests and dressers from IKEA.

108. According to the Supreme Court of Pennsylvania, merchantability "require[s] that [goods] have an inherent soundness which makes them suitable for the purpose for which they are designed, that they be free from significant defects, that they perform in the way that goods of that kind should perform, and that they be of reasonable quality within expected variations and for the ordinary purpose for which they are used." *Gall by Gall v. Allegheny County Health Dept.*, 521 Pa. 68, 70, 555 A.2d 786 (1989) (citations omitted).

109. The defective chests and dressers were not in merchantable condition because they were, without limitation, not fit for the ordinary purposes for which such goods are used.

110. The defective chests and dressers are inherently defective in that there is a substantial risk of tip-over when used in an intended and/or expected manner, thereby causing an increased likelihood of serious injury or death.

111. As alleged above, IKEA had notice of the non-merchantable status of the defective chests and dressers at least as early as the June 2016 recall, before Plaintiffs attempted to return their MALM dressers to IKEA in 2018 for a refund soon after learning of the recall, but plaintiffs were refused a refund by IKEA.

112. As a direct and proximate result of IKEA's breach of the implied warranty of merchantability, which no Class member could have known of prior to the 2016 recall, Plaintiffs and the Class have suffered the above-alleged damages.

113. IKEA is liable to Plaintiffs and members of the Class for the relief sought herein, in an amount to be proven at trial.

██████████ Negligence

On Behalf of Plaintiffs and the Class

114. Plaintiffs reallege and incorporates by reference all paragraphs as though fully set forth herein.

115. The Supreme Court of Pennsylvania has held that the law of negligence establishes a duty of care applicable to manufacturers that encompasses a “*continuum* from the requirements of: a warning of dangers, through a stronger warning if justified by the known risks, through non-marketing or discontinuance of marketing when it becomes or should become known that the

product simply should not be used in light of its relative risks.” *Lance v. Wyeth*, 624 Pa. 231, 273, 85 A.3d 434, 459-60 (2014) (emphasis added).

116. In this continuum, IKEA undertook a duty not only to cease further distribution of the defective and dangerous chests and dressers, but also to warn buyers post-sale, to recall, and to assist in the removal from the market and the homes of Class members the defective and dangerous chests and dressers.

117. As alleged above, IKEA breached and continues to breach those duties with respect to Plaintiffs and members of the Class.

118. As a direct and proximate result of IKEA’s negligence, Plaintiffs suffered the above-alleged damages.

119. Therefore, Defendants are liable to Plaintiffs and the members of the Class for the relief sought herein.

VII. PRAYER for RELIEF

WHEREFORE, Plaintiffs DIANA DUKICH and JOHN DUKICH respectfully request that this Honorable Court enter an Order granting the following relief:

- A. Pursuant to FED. R. CIV. P. 23, certifying the Class proposed herein, appointing Plaintiffs as representatives of same, and appointing undersigned counsel as counsel for the Class;
- B. Awarding Plaintiffs and members of the Class actual damages;
- C. Pursuant to 13 Pa. C.S. § 2714, awarding Plaintiffs and members of the Class damages for nonconformity as may be proven at trial;
- D. Pursuant to 13 Pa. C.S. § 2715, awarding Plaintiffs and members of the Class such incidental and consequential damages as may be proven at trial;

E. Pursuant to 73 P.S. § 201-9.2(a), awarding Plaintiffs and the members of the Class treble damages or \$100, whichever is greater;

F. Pursuant to 73 P.S. § 201-9.2(a), awarding Plaintiffs their attorneys' fees and costs;

G. Awarding Plaintiffs and all Class members a full cash refund;

H. Awarding Plaintiffs and all Class members damages for returning or properly disposing the defective and dangerous chest and dressers;

I. Ordering IKEA to notify all Class members directly by email or U.S. mail of the defective nature of the chests and dressers;

J. Awarding such further relief as this Court deems just and proper.

VIII. JURY TRIAL DEMAND

120. Plaintiffs demand trial by jury on all issues so triable.

Dated: May 6, 2020

Respectfully submitted,

DIANA DUKICH and JOHN DUKICH, *on behalf of themselves and all others similarly situated.*

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EXHIBIT “A”



UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION

[En](#)
[Español](#)

Following an Additional Child Fatality, IKEA Recalls 29 Million MALM and Other Models of Chests and Dressers Due to Serious Tip-Over Hazard; Consumers Urged to Anchor Chests and Dressers or Return for Refund

The recalled chests and dressers are unstable if they are not properly anchored to the wall, posing a serious tip-over and entrapment hazard that can result in death or injuries to children.

796

Recall date: June 28, 2016

Recall number: 16-204

Name of product:

Children's and adult chests and dressers

Hazard:

The recalled chests and dressers are unstable if they are not properly anchored to the wall, posing a serious tip-over and entrapment hazard that can result in death or injuries to children.

Remedy:

[Repair](#) [Refund](#)

Consumer Contact:

IKEA toll-free at 866-856-4532 anytime or online at www.IKEA-USA.com/recallchestsanddressers or www.IKEA-USA.com and click on Product Recall for more information on how to receive a refund or free wall-anchoring repair kit.

[Report an Incident Involving this Product](#)

In conjunction with



Units

About 8 million MALM chests and dressers and 21 million additional children's and adult chests and dressers in the U.S. (In addition, 6.6 million were sold in Canada)

Description

WASHINGTON, D.C. – The U.S. Consumer Product Safety Commission (CPSC), in cooperation with IKEA North America, of Conshohocken, Pa., is announcing the recall of all chests and dressers that do not comply with the performance requirements of the U.S. voluntary industry standard (ASTM F2057-14). The recalled children's

chests and dressers are taller than 23.5 inches and adult chests and dressers are taller than 29.5 inches. The 29 million units of recalled chests and dressers include: MALM 3-drawer, 4-drawer, 5-drawer and three 6-drawer models and other children's and adult chests and dressers. The recalled chests and dressers are unstable if they are not properly anchored to the wall, posing a serious tip-over and entrapment hazard that can result in death or serious injuries to children.

On July 22, 2015, CPSC and IKEA announced a [repair program](#) for the chests and dressers that included a free wall-anchoring repair kit for the MALM chests and dressers and other IKEA chests and dressers. Two tragic fatalities involving MALM chests and dressers occurred prior to the announcement of the repair program:

- In February 2014, a 2-year-old boy from West Chester, Pa. died after a 6-drawer MALM chest tipped over and fatally pinned him against his bed.
- In June 2014, a 23-month-old boy from Snohomish, Wash. died after he became trapped beneath a 3-drawer MALM chest that tipped over.

Subsequent to the July 2015 announcement, CPSC and IKEA learned of additional tip-over incidents, including a February 2016 incident in which a 22-month-old boy from Apple Valley, Minn. died when a MALM 6-drawer chest fell on top of him.

None of the chests or dressers in the above-listed incidents had been anchored to the wall. In addition to the three deaths, IKEA received reports of 41 tip-over incidents involving the MALM chests and dressers, resulting in 17 injuries to children between the ages of 19 months and 10 years old.

The MALM chests and dressers are constructed of particleboard or fiberboard and are white, birch (veneer), medium brown, black-brown, white stained oak (veneer), oak (veneer), pink, turquoise, grey, grey-turquoise, lilac, green, brown stained ash (veneer), and black. A 5-digit supplier number, 4-digit date stamp, IKEA logo, country of origin and "MALM" are printed on the underside of the top panel or inside the side panel.

Since 1996, IKEA chests and dressers have been labeled to identify IKEA, the model name and the manufacturing date.

The recalled MALM chests were sold from 2002 through June 2016 for between \$70 and \$200.

RECALLED MALM CHESTS AND DRESSERS

| Names | Sold Dates | Measurements |
|--------------|-------------------|---|
| MALM 3 | 10/2002 to 6/2016 | 31½" x 18 ⁷ / ₈ " x 30 ³ / ₄ "- |
| MALM 4 | 6/2002 to 6/2016 | 31½" x 18 ⁷ / ₈ " x 39½"- |
| MALM 5 | 10/2002 to 4/2006 | 15 ⁷ / ₈ " x 19" x 48 ¹ / ₄ "- |
| MALM 6 | 6/2002 to 6/2016 | 31½" x 18 ⁷ / ₈ " x 48 ³ / ₈ "- |
| MALM 6 LONG | 11/2002 to 6/2016 | 63" x 18 ⁷ / ₈ " x 30 ³ / ₄ "- |
| MALM 6 | 4/2006 to 6/2016 | 15 ³ / ₄ " x 19 ¹ / ₈ " x 48 ³ / ₈ "- |

IKEA also received 41 reports of tip-overs involving chests and dressers other than MALMs, resulting in the deaths of three children and 19 injuries to children:

- In July 1989, a 20-month-old girl from Mt. Vernon, Va. died after an unanchored GUTE 4-drawer chest tipped over and pinned her against the footboard of a youth bed.
- In March 2002, a 2½-year-old boy from Cranford, N.J. died after an unanchored RAKKE 5-drawer chest tipped over and fatally pinned him to the floor.
- In October 2007, a 3-year-old girl from Chula Vista, Calif. died after a KURS 3-drawer chest tipped over and fatally pinned her to the floor. It is unknown as to whether the dresser was anchored or not.

OTHER RECALLED CHESTS AND DRESSERS

Most of the non-MALM chests and dressers included in this recall are listed on the IKEA website at www.IKEA-USA.com/recallchestsanddressers.

Since 1996, IKEA chests and dressers have been labeled to identify IKEA, the model name and the manufacturing date.

CPSC and IKEA are urging consumers to inspect their recalled IKEA chests and dressers to ensure that they are properly anchored to the wall. Chests and dressers should be properly anchored to the wall whether or not they meet the ASTM standard. Consumers should move any unanchored chests and dressers into storage or other areas where they cannot be accessed by children until the chests and dressers are properly anchored to the wall or removed from the home.

To receive a refund or free wall-anchoring kit for IKEA chests and dressers listed above, visit an IKEA retail store, go to www.IKEA-USA.com/recallchestsanddressers, or call 866-856-4532 anytime.

A child dies every two weeks and a child is injured every 24 minutes in the U.S. from furniture or TVs tipping over,

according to CPSC data.

Remedy

Consumers should immediately stop using any recalled chest and dresser that is not properly anchored to the wall and place it into an area that children cannot access. Contact IKEA for a choice between two options: refund or a free wall-anchoring repair kit.

Consumers are entitled to a full refund for chests and dressers manufactured between January 2002 and June 2016. Consumers with chests and dressers manufactured prior to January 2002 will be eligible for a partial store credit.

Consumers can order a free wall-anchoring repair kit. Consumers can install the kit themselves or IKEA will provide a one-time, free in-home installation service, upon request. Consumers can reorder the kits throughout the life of their chest and dresser.

Related Resources

[Frequently Asked Questions](#)

[Chairman Kaye's Statement](#)

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of injury or death associated with the use of thousands of types of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical or mechanical hazard. CPSC's work to help ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters and household chemicals -- contributed to a decline in the rate of deaths and injuries associated with consumer products over the past 40 years.

Federal law bars any person from selling products subject to a publicly-announced voluntary recall by a manufacturer or a mandatory recall ordered by the Commission.

To report a dangerous product or a product-related injury go online to www.SaferProducts.gov or call CPSC's Hotline at 800-638-2772 or teletypewriter at 301-595-7054 for the hearing impaired. Consumers can obtain news release and recall information at www.cpsc.gov, on Twitter [@USCPSC](https://twitter.com/USCPSC) or by subscribing to CPSC's [free e-mail newsletters](#).



Recalled IKEA MALM 3-drawer dresser



Recalled IKEA MALM 4-drawer dresser



Recalled IKEA MALM 5-drawer dresser



Recalled IKEA MALM 6-drawer dresser



Recalled IKEA MALM 6-drawer dresser

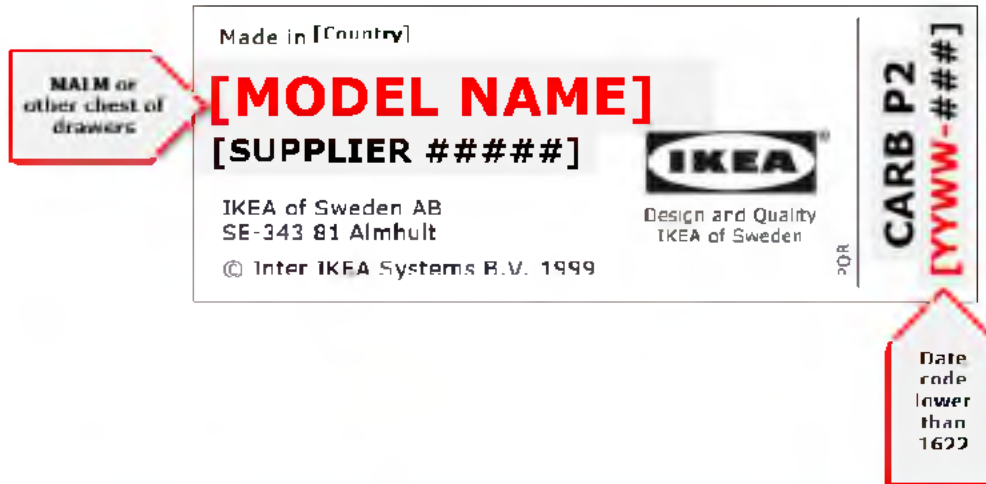


Recalled IKEA MALM 6-drawer dresser

IKEA Chests of Drawers/Dressers

IKEA chests and dressers in the chart below, in addition to the MALM 3-, 4-, 5- and 6-drawer units, that were manufactured before June 2016 are subject to recall. To determine whether your unit was manufactured before June 2016, check the product label on the inside of the top or side frame of the unit for a date code lower than “1622”:

Product Label:



| FAMILY NAME | MODEL |
|-------------|---------------------------------|
| ALESUND | 4-drawers |
| ALVESTA | 5-drawers |
| ANEBODA | 3-drawers, 5-drawers |
| ANGUS | chest of drawers |
| ÅNES | 4-drawers |
| ARUP | 4-drawers, 6-drawers |
| ASKEDAL | 4-drawers, 6-drawers |
| ASKVOLL | 5-drawers |
| ASPELUND | 2-drawers, 3-drawers, 4-drawers |
| BALSTAR | 6-drawers, 10-drawers |
| BANKERYD | 3-drawers, 5-drawers |
| BERGSMO | 8-drawers |
| BIALITT | 3-drawers, 6-drawers |
| BIRKELAND | 3-drawers, 6-drawers |
| BJORKVALLA | 5-drawers, 6-drawers |
| BJORN | 4-drawers, 6-drawers, 8-drawers |
| BLIMP | chest of drawers |
| BOJ | chest of drawers |
| BOKSTA | 6-drawers |

| FAMILY NAME | MODEL |
|-------------|---|
| BRETT | 3-drawers |
| BRIMNES | 2-drawers, 3-drawers, 4-drawers |
| BRUSALI | 3-drawers, 4-drawers |
| BUSUNGE | 2-drawers |
| DIKTAD | changing table/chest of drawers |
| EDLAND | 2-drawers, 3-drawers, 5-drawers, 6-drawers |
| ELIS | chest of drawers |
| ENGAN | 2-drawers/2-door, 4-drawers |
| ESKIL | 5-drawers |
| FJELL | 4-drawers |
| FJORD | 3-drawers, 5-drawers, 6-drawers, 7-drawers, 8-drawers |
| FLATEN | 3-drawers, 5-drawers, 6-drawers, 7-drawers |
| FRIDOLIN | 7-drawers, 11-drawers |
| GUTE | 4-drawers, 6-drawers, 8-drawers, 10-drawers |
| GRANAS | 4-drawers, 6-drawers |
| HADDAL | 3-drawers, 4 drawers |
| HAJDEBY | chest of drawers |
| HEMNES | 2-drawers/1 shelf, 3-drawers, 5-drawers, 6-drawers stained pine, mirror chest |
| HENSVIK | 3-drawers |
| HERRESTAD | 4 drawers |
| HOPEN | 4-drawers, 6-drawers, 8-drawers |
| HOSTELAND | 4-drawers, 6-drawers |
| HOLLEBY | chest of drawers |
| HOVDA | double chest |
| HURDAL | 3-drawers, 5-drawers (22 inches wide) |
| KABIN | 4 drawers, 6 drawers, 8 drawers |
| KIRKENES | 5 drawers |
| KNOT | 3-drawers |
| KOPPANG | 3-drawers |
| KUSK | 3-drawers |
| KULLEN | 5-drawers |
| KURS | 3-drawers, 4-drawers, 6 drawers |
| KVIBY | 4-drawers |
| LEKSVIK | 2-drawers, 4-drawers, 5-drawers, 6-drawers, 7-drawers |
| LO | 3-drawers |
| LOMEN | 3-drawers, 2 drawers/2 door chest |
| MAC | 5-drawers 6-drawers 8-drawers |
| MAST | 6-drawers |
| MAMMUT | 3-drawers, 4-drawers, chest of drawers |
| MANDAL | 3-drawers, 4-drawers, 6-drawers |
| MERÅKER | 4-drawers, 7-drawers |
| MIDSUND | 5-drawers |

| FAMILY NAME | MODEL |
|--------------------|--|
| NATURA | 4-drawers. 5-drawers |
| NARVIK | 3-drawers chest. changing table/chest of drawers. 5 drawers, 6-drawers |
| NORDLI | 3-drawers. 4-drawers (15.7 inches wide) |
| NORDNES | 10-drawers |
| NORNÄS | 4-drawers/2-compartments |
| NYVOLL | 3-drawers. 6-drawers |
| OTTENBY | 5-drawers |
| RANVIK | 5-drawers |
| RAKKE | 5-drawers |
| RAMBERG | 3-drawers |
| RODD | 3-drawers. 5-drawers |
| ROBIN | 3-drawers. 8-drawers |
| RUSTIK | chest of drawers |
| SALA | 3-drawers |
| SANDEFJORD | 5-drawers |
| STOCKHOLM | 4-drawers |
| STRANDA | 4-drawers |
| STUVA | chest of drawers |
| SUNDBIK | changing table/chest of drawers |
| SVEIO | 5-drawers |
| STAVANGER | 5-drawers |
| SYDFAST | 3-drawers. 6-drawers. 7-drawers |
| TARVA | 3-drawers. 5-drawers. 6-drawers |
| TASSA | 3-drawers |
| TRANDUM | 3-drawers |
| TORE | chest of drawers |
| TOVIK | 3-drawers |
| TRANDUM | 6-drawers |
| TROGEN | 3-drawers. chest of drawers |
| TROFAST | chest of drawers |
| TRONDHEIM | 3-drawers. 4-drawers. 6-drawers |
| TRYSIL | 3-drawers |
| TYSSDAL | 4-drawers. 6-drawers |
| UNDREDAL | 4-drawers |
| VARDE | 6-drawers |
| VALLVIK | 3-drawers. 6-drawers |
| VAJER | 4-drawers. 6-drawers |
| VESTBY | chest of drawers |
| VINTRA | 3-drawers. 6-drawers |
| VISDALEN | 7-drawers. 6-drawers |
| VOLLEN | 3-drawers |

United States

CONSUMER PRODUCT SAFETY COMMISSION

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IKEA Reannounces Recall of MALM and Other Models of Chests and Dressers Due to Serious Tip-over Hazard; 8th Child Fatality Reported; Consumers Urged to Choose Between Refund or Repair



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Recall Summary

Name of product:

Children's and adult chests and dressers

Hazard:

The recalled chests and dressers are unstable if they are not properly anchored to the wall, posing serious tip-over and entrapment hazards that can result in injuries or death to children.

Remedy:

Refund
Repair

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Recall date:

November 21, 2017

Units:

About 17.3 million (Based on updated information from IKEA, the number of U.S. units has been revised downward from June 2016.)

)

Consumer Contact:

**IKEA toll-free at 866-856-4532 anytime,
or online at www.IKEA-USA.com or
http://www.ikea.com/ms/en_US/ikea-chest-and-dresser-recall/index.html for
more information and to participate in
the recall.**

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Recall Details

Description:

This recall reannouncement involves MALM and other IKEA chests and dressers that do not comply with the requirements of the U.S. voluntary industry standard (ASTM F2057-14). The recalled children’s and adult chests and dressers include the MALM 3-drawer, 4-drawer, 5-drawer and three 6-drawer models and other non-MALM models. The recalled children’s chests and dressers are taller than 23.5 inches; recalled adult chests and dressers are taller than 29.5 inches.

The MALM chests and dressers are constructed of particleboard or fiberboard and are white, birch (veneer), medium brown, black-brown, white stained oak (veneer), oak (veneer), pink, turquoise, grey, grey-turquoise, lilac, green, brown stained ash (veneer), and black. A 5-digit supplier number, 4-digit date stamp, IKEA logo, country of origin and “MALM” are printed on the underside of the top panel or inside the side panel.

RECALLED MALM CHESTS AND DRESSERS

| Names | Sold Dates | Measurements |
|-------------|-------------------|--|
| MALM 3 | 10/2002 to 6/2016 | 31½” x 18 ⁷ / ₈ ” x 30 ³ / ₄ ” |
| MALM 4 | 6/2002 to 6/2016 | 31½” x 18 ⁷ / ₈ ” x 39½” |
| MALM 5 | 10/2002 to 4/2006 | 15 ⁷ / ₈ ” x 19” x 48 ¹ / ₄ ” |
| MALM 6 | 6/2002 to 6/2016 | 31½” x 18 ⁷ / ₈ ” x 48 ³ / ₈ ” |
| MALM 6 LONG | 11/2002 to 6/2016 | 63” x 18 ⁷ / ₈ ” x 30 ³ / ₄ ” |
| MALM 6 | 4/2006 to 6/2016 | 15 ³ / ₄ ” x 19 ¹ / ₈ ” x 48 ³ / ₈ ” |

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OTHER CHESTS AND DRESSERS INCLUDED IN THIS RECALL

To see a complete list of other non-MALM chests and dressers included in this recall, click on this link www.IKEA-USA.com or http://www.ikea.com/ms/en_US/ikea-chest-and-dresser-recall/index.html on IKEA's website.

Since 1996, IKEA chests and dressers have been labeled to identify IKEA, the model name and the manufacturing date.

Remedy:

Consumers should immediately stop using any recalled chest or dresser that is not properly anchored to the wall and place it in an area that children cannot access. Contact IKEA for a choice between two options: refund or a free wall-anchoring kit. IKEA will pick up the recalled dressers free of charge or provide a one-time, free in-home wall-anchoring service for consumers upon request. Consumers can obtain assistance from IKEA through its website at www.IKEA-USA.com or http://www.ikea.com/ms/en_US/ikea-chest-and-dresser-recall/index.html. Consumers with chests and dressers manufactured prior to January 2002 are eligible for a partial store credit.

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Incidents/Injuries:

IKEA has received 186 reports of tip-over incidents involving the MALM chests and dressers, including 91 reports of injuries to children. In addition, IKEA has received 113 reports of tip-overs with other recalled IKEA chests and dressers, including 53 reports of injuries to children:

There have been eight reports of child tip-over related deaths with the recalled chests and dressers.

- The most recent reported death in May 2017 involved a 2-year-old boy in Buena Park, Calif. after he became trapped beneath an unanchored MALM 3-drawer chest that tipped over.

Previously reported deaths with MALM dressers or chests include:

- February 2016: A 22-month-old boy from Apple Valley, Minn. died after an unanchored MALM 6-drawer chest fell on top of him.

- June 2014: A 23-month-old boy from Snohomish, Wash. died after he became trapped beneath an unanchored MALM 3-drawer chest that tipped over.
- February 2014: A 2-year-old boy from West Chester, Pa. died after an unanchored MALM 6-drawer chest tipped over fatally pinning him against his bed.
- September 2011: A 2-year-old boy from Woodbridge, Va. died after an unanchored MALM 3-drawer chest tipped over and trapped him between the dresser drawers.

Previously reported deaths with other model IKEA chests and dressers include:

- July 1989: A 20-month-old girl from Mt. Vernon, Va. died after an unanchored GUTE 4-drawer chest tipped over and pinned her against the footboard of a youth bed.
- March 2002: A 2½-year-old boy from Cranford, N.J. died after an unanchored RAKKE 5-drawer chest tipped over and fatally pinned him to the floor.

October 2007, a 3-year-old girl from Chula Vista, Calif. died after a KURS 3-drawer chest tipped over and fatally pinned her to the floor. It is unknown whether the dresser was anchored or not.

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Sold At:

IKEA stores nationwide and online at www.IKEA.com from January 2002 through June 2016 for between \$70 and \$200. Other chests and dressers subject to this recall were sold between approximately 1985 and June 2016.

Importer(s):

IKEA Supply AG, of Switzerland (May 2009 – present) and predecessors to IKEA Supply AG (1985 – May 2009)

Manufactured In:

Varios países

Note:

Dangerous tip-over incidents often occur when curious kids climb on furniture in an attempt to access TVs, toys, remotes or other desired items. While the threat is serious, the solution is simple. Anchor TVs, furniture and appliances in the home. And when product recalls are announced, act on them immediately. Visit AnchorIt.gov to see how TV and furniture tip-over incidents occur and the simple steps to prevent them.

Recall number:

18-040

Choose Your Recall Emails

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