**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**
**COUNTY DEPARTMENT, LAW DIVISION**

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| SAMANTHA PACHIRAT,<br><br>Plaintiff,<br><br>v.<br><br>INSTANT BRANDS LLC f/k/a CORELLE BRANDS LLC,<br><br>Defendants. | ) | Case No. 2023L002892<br><br>JURY TRIAL DEMANDED |

# COMPLAINT

Plaintiff, Samantha Pachirat, by and through the undersigned counsel, brings this Complaint against Defendant Instant Brands LLC f/k/a Corelle Brands LLC for her personal injuries.

## NATURE OF THE CASE

1. This is a product liability action against the Defendant for a personal injury after a defective Pyrex glassware product exploded and cut the Plaintiff's foot.

## PARTIES

2. Plaintiff Samantha Pachirat is a resident of Brooklyn, New York City, New York.

3. Defendant Instant Brands LLC f/k/a Corelle Brands LLC ("Corelle" or "Defendant") is a Delaware limited liability company with its principal place of business located at 3025 Highland Pkwy, Suite 700, Downers Grove, Illinois 60515. PYREX glassware was and is sold by Instant Brands LLC f/k/a Corelle Brands LLC under license from Corning Incorporated ("Corning").[1]

[1] *See* https://corporate.instantbrands.com/brands/ ("CORNINGWARE® and PYREX® are registered trademarks of Corning Incorporated used under license by Instant Brands LLC f/k/a Corelle Brands LLC.")

## JURISDICTION AND VENUE

4. This Court has jurisdiction over this action pursuant to 735 ILCS 5/2-209 because Defendant Instant Brands LLC f/k/a Corelle Brands LLC, is a citizen and resident of the State of Illinois, and all Defendants conduct substantial business in Cook County and have committed tortious acts in Illinois.

5. Defendant resides in this District. Defendant is currently transacting Business from within Illinois and Cook County, Illinois, at least by maintaining offices and employees in Illinois, making and shipping into Illinois, or by using, offering to sell or selling or by causing others to use, offer to sell or sell the products at issue in this complaint in Illinois and Cook County, Illinois. Defendant derives substantial revenue from the interstate and or international commerce, including substantial revenue from goods used or consumed or services rendered in the State of Illinois and Cook County.

6. Venue is proper in Cook County, Illinois under 735 ILCS 5/2-101 because a substantial part of the counts giving rise to Plaintiff's claims occurred in Cook County. Defendant conducts business in Cook County and Defendants reside in Cook County within the meaning of 735 ILCS 5/2-102(a).

7. At all relevant times, Defendant directly or through its agents, apparent agents, servants or employees designed, manufactured, marketed, advertised, distributed, promoted and sold their products in Cook County.

## FACTUAL ALLEGATIONS

8. On March 25, 2021, Samantha Pachirat used a Pyrex glassware product to cook in her oven. Because of the defective design in her Pyrex glassware described below, after the Plaintiff attempted to remove the glassware from the oven, the Pyrex dish exploded, and a shard

of glass penetrated her right foot, causing a severe injury.

9. After the injury, Plaintiff incurred medical expenses, bodily injuries, lost wages, pain and suffering, loss of enjoyment of life, and will have future medical expenses.

## THE DEFECT

### A. The Original Borosilicate Pyrex

10. Pyrex was the first branded product manufactured by Corning Incorporated's Consumer Products Division. Beginning in the early 1900s, the original Pyrex was manufactured from borosilicate glass. Corning built the brand's reputation by manufacturing Pyrex from borosilicate glass for decades.[2]

11. The Pyrex brand was born from a discovery by one of Corning's scientists, Jesse Littleton. After a casserole dish cracked, his wife, Bessie Littleton, asked him if the temperature-resistant glass he was evaluating for railroad lanterns and battery jars could be used for baking. He created a makeshift dish with the borosilicate glass, and Bessie successfully baked a cake with it. From this discovery, Corning launched Pyrex, the first consumer cooking products made with temperature-resistant glass.[3]

12. In its original patent application, dated May 27, 1919, Corning stated that its culinary products would be made of borosilicate glass due to its high coefficient of thermal endurance, and noted it was "desirable" for its culinary glass products to have the "power to undergo sudden cooling without fracture."

13. Indeed, because Pyrex products made of borosilicate glass were strong and could

[2] Corning Museum of Glass, "A Century of Pyrex," https://www.cmog.org/article/pyrex (last accessed February 17, 2023).
[3] *See* Logan, Liz, "How Pyrex Reinvented Glass For a New Age," Smithsonian Magazine, June 5, 2015, https://www.smithsonianmag.com/innovation/how-pyrex-reinvented-glass-new-age- 180955513 (last accessed February 17, 2023).

withstand the substantial temperature changes that occur during normal household use, Pyrex products earned the trust of generations of American consumers, who reasonably believed that they could safely use Pyrex for normal household cooking.

**B. Defendant's Shift to Cheaper and Inferior Soda Lime Pyrex**

14. Starting several decades ago,[4] Corning began manufacturing Pyrex from soda-lime glass instead of borosilicate glass. Today, Corelle continues to manufacture Pyrex from soda-lime glass, under a licensing agreement with Corning.

15. Corning made the change because it realized that it could produce Pyrex from soda lime glass, which would look just like Pyrex made from borosilicate glass but would allow a much greater profit margin—particularly if consumers did not know or understand the difference between the two formulations.

16. Soda lime glassware is significantly less expensive to produce than borosilicate products because both raw material and energy costs are substantially lower.[5] Unfortunately for unsuspecting consumers, a significant reduction in quality and safety accompanies this reduction in costs.

17. Corning made the change from borosilicate glass to soda lime glass without retooling the design to make it more appropriate for the new material, without informing consumers of the change, and without giving consumers adequate notice of the resulting dangers.

**C. The Dangers of Soda Lime Pyrex**

18. Borosilicate glass is a superior material for bakeware because, as noted, it has a low

[4] Publicly available information regarding the precise timing of the change in materials is conflicting. The details of the shift from borosilicate glass to soda lime glass, and ways to distinguish the two products, will be the subject of discovery.

[5] Corning has acknowledged the cost of borosilicate glass, in comparison to soda lime glass, referring to "the increased cost for [borosilicate] materials" as a "definite handicap." https://patents.google.com/patent/US2224493 (last viewed February 17, 2023).

coefficient of thermal expansion, meaning that it does not expand much when it is heated, even to high temperatures. This makes borosilicate glass very resistant to thermal shock and allows an increased maximum change in surface temperature without cracking, breaking, shattering, or exploding.[6] Borosilicate glass is also mechanically strong and can withstand the rigors of normal household kitchen use without breaking.

19. In contrast, soda lime glass can and regularly does shatter unexpectedly during the course of normal household kitchen use, often sending pieces of sharp glass flying through the air.

20. This is because soda lime glass, which is the cheapest form of commercial glass to produce[7] has a very high coefficient of thermal expansion[8] and very poor thermal shock resistance.[9] When heated, soda lime glass expands substantially more than borosilicate glass.

21. Accordingly, soda lime glass is much more prone to cracking, breaking, shattering, or exploding when exposed to rapid changes in temperature.[10] Stated another way, borosilicate glass is "stronger and harder than soda lime glass."[11]

22. In fact, in a separate patent application, Corning noted that the "thermal stability [of soda lime glass] sometimes leaves something to be desired."[12]

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[6] T. J. Liu & N.A. Fleck, *The Thermal Shock Resistance of Solids*, 46 Acta Materialia 4755, 4755 (1998); *Transparent Materials Comparison*, Rayotek Scientific, Inc., https://rayotek.com/tech- specs/material-comparisons.htm (last viewed February 17, 2023).
[7] https://www.cmog.org/article/types-glass (last viewed February 17, 2023).
[8] *Borosilicate Glass vs. Soda Lime Glass?,* Rayotek Scientific, Inc., August 2nd, 2016, https://rayotek.com/wpnews/borosilicate-glass-vs-soda-lime-glass (last viewed February 17, 2023).
[9] *Supra, Transparent Materials Comparison*; United States Patent, "Borosilicate, opal glass article," Hermann L. Rittler, Patent No. 4,337,295, June 29, 1982, https://patents.google.com/patent/US4337295 ("However, such [soda lime] glasses are generally characterized by a relatively high thermal coefficient of expansion. Hence, they have a low resistance to heat shock, unless physically strengthened as by air tempering.") (last accessed February 17, 2023).
[10] *Supra, Borosilicate Glass vs. Soda Lime Glass?*.
[11] *Supra, Transparent Materials Comparison.*
[12] United States Patent, "Silica-soda-lime glass compositions and their applications," Nathalie El Khiati, Nathalie Dideron, Daniel Ricoult, and Pascale LaBorde, Patent No. 6,063,718, May 16, 2000, https://patents.google.com/patent/US6063718 (last accessed February 17, 2023).

23. Unfortunately for consumers, not only is brand new Pyrex made of soda lime glass more susceptible to shattering than brand new Pyrex made of borosilicate glass, but that susceptibility increases over time with normal household use.

24. Like any glassware, Pyrex will be subject to scratching, chipping, and other minor damage through normal and expected use, cleaning, and storage. This is unavoidable on the part of the consumer and is or should be anticipated by the Defendant.

25. With original borosilicate Pyrex, normal wear and tear was of less concern because that product had virtually no coefficient of thermal expansion and thus had a significantly lower risk of thermal shock failure than soda lime Pyrex.

26. Because soda lime Pyrex has a much greater coefficient of thermal expansion, it must be tempered, or heat strengthened, in order to increase its thermal shock resistance.

27. Tempering, however, is not a solution to the problems associated with soda lime glass. Rather, tempering exacerbates the problems associated with soda lime glass.

28. Tempering strengthens annealed soda lime glass by increasing the amount of surface compression. Damaging the surface, however, reduces the amount of tension necessary to cause the glass to fail. So with every nick, scratch, or chip—even those not easily detectible—a soda lime Pyrex product becomes more likely to shatter from changes in temperature.

29. Defendant knew or should have known that glassware sustains minor damage in normal and expected use, making tempered soda lime Pyrex much more susceptible to thermal shock failure than borosilicate Pyrex.

30. Tempering not only makes soda lime Pyrex more likely to shatter, but it makes Pyrex more dangerous when it does shatter as a result of thermal shock. This is because Defendant's tempering process creates internal tension in each Pyrex product. When Pyrex shatters

due to thermal shock (which often happens while it is sitting on a flat surface), that internal tension sends shards of glass flying through the air. Thus, as a result of the tempering process, soda lime Pyrex products don't simply crack—they explode.

31. By contrast, the original borosilicate Pyrex products, which did not require heat strengthening, were "annealed," or essentially free of internal tension. Unlike soda lime Pyrex, borosilicate Pyrex sends glass shards flying through the air only when it is dropped (and dropping, unlike shattering from changes in temperature associated with normal household use, is a risk understood by most consumers).

32. In theory, heat strengthening, or thermal tempering, could provide the additional benefit of causing the Pyrex products that do break to shatter in a much safer manner, known as "dicing." Dicing is the process that occurs when glass shatters into small relatively uniform and relatively harmless cubes. Dicing is seen, for example, when tempered automobile glass fractures into small fragments, and consumers expect "tempered" glass to break in that manner.

33. However, as discussed in more detail below, the authors of a scientific article analyzed modern soda lime glass cookware, including Pyrex, using several methods, and concluded that although the soda lime glass cookware had been heat-strengthened to some degree, in actuality the heat strengthening neither: (1) substantially increased the products' ability to withstand temperature change, nor (2) made the glassware safer by causing it to dice into small, relatively uniform cubes.

34. In sum, Defendant chose to partially temper soda lime Pyrex glassware knowing that doing so: (1) not only would not properly protect against thermal shock failure, but would actually increase the risk of such failure over time with normal use; (2) would not prevent large, sharp shards of glass—which risk severe lacerations to consumers—from forming upon failure;

and (3) would create internal tension that can cause those sharp shards to fly through the air with potentially devastating results.

**D. Scientific Research Confirms the Danger and Inferiority of Soda Lime Glass**

35. Various studies have demonstrated the significant differences in thermal endurance and resistance to temperature change between borosilicate glass and soda lime glass. For example, Dr. Richard Bradt, a materials scientist and professor emeritus at the University of Alabama, conducted an independent experiment to determine the thermal shock resistance of pure soda lime glass, when compared to borosilicate glass. Dr. Bradt's findings demonstrated that borosilicate glass can withstand a 333-degree Fahrenheit change in temperature before fracturing while soda lime glass can withstand a temperature change of only 99 degrees Fahrenheit before fracturing.[13]

36. A prominent retired Corning scientist, upon reading Dr. Bradt's study, wrote to Dr. Bradt to say that the article "serves a very important purpose in publicizing the criminal practice (in my mind at least) in selling cheap high expansion soda lime glass under the Pyrex name to the innocent public."[14]

37. In 2012, Corelle (formerly World Kitchen) attempted to discredit the findings of Dr. Bradt and his colleagues in a lawsuit where Corelle unsuccessfully argued that Dr. Bradt's findings were false, deceptive, and misleading to consumers. The court ruled in favor of Dr. Bradt, finding no admissible evidence refuting his findings. *World Kitchen, LLC v. The American Ceramic Society, et al.*, Case No. 12-cv-8626, 2016 U.S. Dist. LEXIS 85717, at *20 (N.D. Ill. June 30, 2016).[15]

[13] R.C. Bradt & R.L. Martens, *Shattering glass cookware*, American Ceramic Society, Sept. 2012, at 33, https://rroeder.nd.edu/assets/387776/glasscookware.pdf (last accessed March 23, 2021).
[14] Letter from Dr. Stanley Donald Stookey, inventor of CorningWare, to Dr. Richard Bradt.
[15] Order, ECF No. 259, *World Kitchen, LLC v. The American Ceramic Society, et al.*, No. 1:12- cv-08626 (N.D. Ill. June 30, 2016). Corelle appealed the court's judgment but later voluntarily dismissed its appeal. *World Kitchen, LLC v. Bradt*, No. 19-3082, 2017 U.S. App. LEXIS 15391 (7th Cir. Feb. 28, 2017).

38. Corelle continued its attempt to discredit the findings of Dr. Bradt's study and similar studies on its website in a section called "The Truth About Pyrex." The stated purpose of that particular section is that Corelle "want[s] you to know about reports mischaracterizing and wrongly disparaging the reliability, durability and excellent safety record of American-made glass cookware made from heat-strengthened soda lime glass."[16]

**E. Defendant's Uniform and Widespread Marketing and Sale of Pyrex**

39. Corelle markets Pyrex[17] directly to consumers throughout the United States, including through the current website https://www.pyrexhome.com and until at least September 2018 on https://www.pyrexware.com. Corelle also sells Pyrex products through leading retailers in the United States, such as Target, Bed Bath & Beyond, grocery stores, local retailers, and through on-line retailers like Amazon.com.

40. Corning initially marketed Pyrex as "ice-box to oven" and "oven to ice-box," and Corelle has carefully cultivated and perpetuated the consumer perception that Pyrex can withstand any change in temperature associated with normal household cooking and freezing, even after transitioning from borosilicate glass to soda lime glass.

41. During more than a century of advertising, Defendant's message has remained clear and unchanged, despite the change in materials. In fact, the Corning Museum of Glass, which was established by Corning on the company's 100th anniversary, recently celebrated "A CENTURY OF PYREX," noting: "Pyrex has become an icon in most American homes, in the forms of clear borosilicate bakeware, sets of patterned opal ware, and stovetop FLAMEWARE. Layered into the history of the Pyrex brand are the personal histories of families and individuals who have used,

[16] World Kitchen, LLC, *The Truth About Pyrex*

[17] Corelle currently manufactures and markets Pyrex, and the licensing agreement may give Corning control over some of those functions, as well. Corning's current involvement in the manufacturing and marketing of Pyrex will be the subject of discovery.

loved, gifted, and collected America's favorite dish over the last 100 years."[18]

42. In 1915, an advertisement announcing, "Bake in a glass!" appeared in Good Housekeeping, informing consumers that Corning had created a product that allowed food to be mixed, baked, and served all in the same dish. Just a few years later, by 1919, four million pieces of Pyrex glassware, made of borosilicate glass, had been sold to customers throughout the United States.[19]

43. Corelle continues to market Pyrex products as "versatile" glassware that is "safe to use in the oven, microwave, refrigerator, freezer and dishwasher." Through its license with Corning, Corelle advertises Pyrex products on its website as versatile and intended for use in a variety of temperatures:

> Versatility makes it easier for you with these cook-and-serve in one dishes that go from the oven to the table. Use them for dry or refrigerated storage and microwave reheating and enjoy maximum functionality with minimal mess.[20]
> Dishwasher, refrigerator, microwave & pre-heated oven safe.[21]

44. These assertions are false, misleading, unfair, and deceptive because the Pyrex glassware sold to consumers, including Plaintiff, is inherently dangerous due to the Defect which renders it likely to shatter during normal household kitchen use.

45. Corelle failed to disclose the Defect to consumers, including to Plaintiff, at any time before, during or after purchase.

46. In Europe, where Pyrex is still made of borosilicate glass under a separate license

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[18] Corning Museum of Glass, "A Century of Pyrex," https://www.cmog.org/article/pyrex (last accessed February 17, 2023).
[19] Danovich, Tove K., "Does Your Family's Century-Old Pyrex Still Rule The Kitchen?", National Public Radio, https://www.npr.org/sections/thesalt/2017/07/25/538527917/does-your- familys-century-old-pyrex-still-rule-the-kitchen (last accessed February 17, 2023).
[20] http://www.pyrexware.com/easy-grab-4-pc-oblong-baking-dish-set/1090992.html#start=8 (last viewed February 17, 2023).
[21] http://www.pyrexware.com/4.5-qt-oblong-baking-dish/5302470.html#start=2 (last viewed February 17, 2023).

from Corning, the products for sale are advertised as being made of "[t]empered borosilicate glass, *the best glass for oven safe cooking*." European Pyrex products are also advertised as being "thermal shock resistant," such that they can go "straight from the oven to the table . . . from the table to the refrigerator . . . from the refrigerator to the oven . . ." a belief that American consumers continue to hold as a result of Defendant's failure to disclose the shift in materials from borosilicate glass to inferior soda lime glass.[22]

**F. Defendant's Longstanding Knowledge of the Defect**

47. Defendant knew or should have known when they marketed and sold Pyrex to the public that Pyrex suffered from the Defect, which creates an unreasonable risk that Pyrex will crack, break, shatter, or explode when used as advertised. These risks include significant personal injury and/or property damage to consumers, as well as the destruction of the product itself during its useful life.

48. Defendant's knowledge is established through civil lawsuits filed by or against it, including when it was previously doing business as World Kitchen, LLC.

49. Defendant's knowledge is further established through numerous online postings complaining that Pyrex glassware failed during normal use.

50. Defendant's knowledge is even further established through published articles written about Pyrex glassware and the inferior quality of the soda lime glass used in the product. As noted, in approximately September 2012, the American Ceramics Society published an article entitled "Shattering glass cookware," which concluded that Defendant's reformulation of Pyrex products from borosilicate glass to soda lime glass reduced the products' "thermal stress

[22] https://www.pyrexuk.com/products/roasters/square-roaster-29x23cm. last viewed February 17, 2023); https://www.pyrexuk.com/materials/borosilicate-glass.html (last viewed February 17, 2023). (emphasis added).

resistance," making them vulnerable to "sudden, explosion-like failure." R.C. Bradt and R.L. Martens, "Shattering glass cookware," *Am. Ceramic Soc'y Bull*. (Sept. 2012) (hereinafter, "American Ceramics Society article"), at 33. The American Ceramics Society article also reveals that "documented reports of incidents of dramatic shattering failures during what most kitchen cooks would consider normal use suggests that the margin of safety for avoiding thermal stress failures of soda lime silicate cookware is borderline. It does not appear to be adequate for all household cooking." *Id*. At 37.

51. The authors of the American Ceramics Society article analyzed modern soda lime glass cookware, including Pyrex, using several methods, including observation of the long, sharp shards produced when those products shatter. The American Ceramics Society article authors concluded that, although the soda lime glass cookware had been heat-strengthened to some degree, in actuality the heat strengthening neither (1) substantially increased the products' ability to withstand temperature change, nor (2) made the glassware safer by causing it to break into small, relatively uniform cubes (a process known as "dicing").

52. In the words of the authors, the heat strengthening "does not appear to be sufficient to increase substantially the thermal stress fracture resistance of the cookware, nor is it sufficient to create a desirable dicing fracture pattern[.]"

53. Corelle is well aware of the American Ceramics Society article, given that they sued the authors under a variety of theories, and lost on all claims following a bench trial in this Court. *World Kitchen, LLC v. American Ceramic Soc'y, et al.*, Case No. 12-cv-8626, 2016 WL 3568723 (N.D. Ill. June 30, 2016). Defendant's indisputable knowledge of the significant difference in thermal shock resistance between borosilicate Pyrex and heat-tempered soda lime Pyrex is evidenced by their unsuccessful lawsuit which failed to prove any deception by Dr. Bradt

or his research colleagues.[23]

54. Corelle's actual knowledge of the Defect is also demonstrated by the section of their website entitled "The Truth About Pyrex"[24] wherein they continue to attempt to discredit findings that their soda lime glassware has a significantly lower thermal shock resistance than borosilicate glassware. Not only has Corelle been aware of the Defect, it actively attempts to conceal it from consumers through this website section.

55. Further, various incidents of shattered Pyrex glassware have appeared in the media, including the website of Clark Howard, a popular consumer expert and host of the nationally-syndicated *Clark Howard Show*, whose family experienced a "loud explosion" during a family dinner when a brand new Pyrex casserole dish exploded,[25] and in YouTube postings by consumers.[26]

56. Customer complaints reported to the Consumer Product Safety Commission are also indicative of the scope of this Defect, and further demonstrate that Corelle either knew or should have known of its existence. These complaints, available online, all relate to Pyrex glassware, with some complaints being posted as far back as 2011 and others as recently as the end of 2017:

a. (In November 2017) I was baking yams in the largest pan. After I took the pan out of the oven and set it on top of the oven, it exploded. Shards of glass scattered all over the kitchen, as far as seven feet away. I am very lucky that I wasn't hurt and

[23] *Supra*, ¶ 55.
[24] *Supra*, n.17
[25] Timmerman, Michael, "Pyrex glass dish explodes in Clark Howard's kitchen," Clark.com, May 4th, 2017, https://clark.com/family-lifestyle/pyrex-dish-explodes-clark-howard-kitchen (last accessed February 17, 2023).
[26] *See, e.g.*, "Exploding Pyrex!" https://www.youtube.com/watch?v=W91fOFLhHLI on August 27, 2017 (last viewed Sept. 5, 2018) (posted by Barry Zoeller); "Pyrex glass pan exploding in my kitchen...," https://www.youtube.com/watch?v=ufMkWrVRwf0 on Oct. 26, 2016 (last viewed February 17, 2023) (posted by Danny Maiorani).

especially lucky that a shard of glass didn't end up in my eye! I used the product the way it is supposed to be used.[27]

b. On July 15, 2017, I had an alarming and dangerous incident. I cooked a salmon patty in my Pyrex Glassware dish at 450 degrees for 15 minutes. I removed the dish from the oven, and before I had the chance to put it down, the glassware violently exploded in my hand, sending shards of glass flying toward my face and throughout my kitchen and the adjoining hallway.[28]

c. My stove, countertop, kitchen floor, hallway floor were covered in large pieces of shattered glass and small shards of it, everywhere. Fortunately, I was wearing my reading glasses, which I believe protected my eyes from injury.[29]

d. My Pyrex brand glass baking dish shattered spontaneously while sitting in a drawer overnight. While the drawer contained the damage somewhat, chunks of glass sprayed throughout the drawer, ricocheting throughout the cabinet. If this had occurred on a counter, there would have been serious risk.[30]

e. At 1:20am I heard a crashing sound. Upon looking nothing was evident. Later the same day I opened a lower kitchen cabinet and glass spilled everywhere slivers and shards. My 9 x 13 glass Pyrex baking dish exploded on the shelf in the middle of the night! It hadn't been used for weeks and had no damage. I researched and found this is not an uncommon problem. Why is it still being manufactured?[31]

f. The consumer stated that she placed the dish, which contained broccoli and olive oil, in a preheated 375-degree oven. About four minutes later, she heard a pop. She went to the oven and saw that the glass dish had shattered. The contents had spilled and cause a fire in the oven. The consumer turned the oven off and got a fire extinguisher to put the fire out.[32]

g. My 9x13 Pyrex dish exploded 10/8/17 when I attempted to take it out of our dishwasher. It had run its cycle the night before and was no longer hot, my dish had a handle on edge and I just grabbed it and pulled and immediately it exploded shards everywhere spanning a 3-5 foot radius. I screamed for my husband to secure dogs and kids and clean me a way out as I was barefoot and my right arm had 6 bleeding spots and my left hand had a shard centered in the middle superficially but painful.[33]

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[27] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1712059 (last viewed February 17, 2023).

[28] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1679597 (last viewed February 17, 2023).

[29] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1627314 (last viewed February 17, 2023).

[30] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1627314 (last viewed February 17, 2023).

[31] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1698622 (last viewed February 17, 2023).

[32] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1484232 (last accessed February 17, 2023).

[33] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1703644 (last accessed February 17, 2023).

h. (In September 2017), I put a large Pyrex measuring cup in my microwave with some stew in it, heated it for less than three minutes, and it shattered when I tried to take it out, burning my hand.[34]

i. (In April 2011) when taking a Pyrex 9x12 baking dish from the oven, it actually blew up in my wife's hands. The dish had been in the oven for 15 minutes at 400 degrees. It contained 4 pieces of baked fish that had marinated for 20 minutes in the refrigerator. The explosion was so violent that we found pieces of glass over 40 feet away. The dish shattered into thousands of small pieces. There were very few pieces over 6 inches long. My wife was wearing jeans and closed shoes. She did not get injured even though she was hit with many, many pieces of shrapnel. It took over two hours to clean up the mess off of cabinets, appliances, counter tops, and the floor.[35]

j. I made lasagna this past weekend (Friday, April 15, 2011) in a Pyrex 9x13 glass baking dish. I only baked it at 350 F for about 30 minutes. When I took it out of the oven and set it on my stove top, the 9x13 glass baking dish exploded. It cut myself and my fiancé, who was approximately 2 feetaway from the pan. How can a brand like this stay on our market?[36]

There are many, many more incident reports just like those cited above; the complaints listed above are a small selection.

56. Additional consumer complaints, found on various websites, are consistent with the complaints to the Consumer Product Safety Commission:

a. [one-star rating] My dinner was cooking in a Pyrex glassware and it exploded in my face. Luckily I was ok but my oven is destroyed and glass is all over the kitchen. Luckily no huge fire but it's very dangerous. Needs to be recalled asap.[37]

b. [one-star rating] I had a glass pyrex bowl with lid that I loved and used frequently for storage in the refrigerator. This past week I was washing dishes and put the bowl (at room temperature, it had been emptied hours earlier) in my dishwater. As I was washing another dish, the Pyrex bowl shattered into hundreds of pieces in my dishwater!! I received a few small cuts, but it could have been a lot worse! I grew up believing Pyrex was the best, so this came as a shock... Came online looking for a warranty and found that I am not alone in having exploding Pyrex. So

[34] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1691194 (last accessed February 17, 2023).
[35] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1174137 (last accessed February 17, 2023).
[36] https://www.saferproducts.gov/PublicSearch/Detail?ReportId=1178095 (last accessed February 17, 2023).
[37] Posted by Catherine of Mount Laurel, NJ, at https://www.consumeraffairs.com/homeowners/pyrex.html, on April 15, 2018 (last viewed Feb. 17, 2023).

disappointing! I have the bowl in another container should Pyrex question my veracity.[38]

c. [one-star rating] I have had 2 glass 13 x 9 pans explode in the oven. I always have loved Pyrex but now I refuse to buy any more of them or Pyrex of any kind, I stick to metal. One pan had a beautiful roast with potatoes and vegetables. The other had chicken enchiladas, both these pans exploded and of course I had to toss the food out. Very disappointed in Pyrex, no more for me!!![39]

d. [one-star rating]. I bought three of these dishes in mid December 2017, to use for entertaining my family over the holidays. The second time I used my new Pyrex dish was to reheat our regular sweet corn casserole the day after Christmas. I reheated it as normal and laid it gently on my stove top. Within moments, the dish literally exploded all over my kitchen. I was injured, but thankfully, not badly. Needless to say the dish could not be eaten and I have been afraid to use the additional two dishes I purchased since.[40]

e. [one-star] WARNING FOR AMAZON LOVERS : Don't buy it, its extremely dangerous product. I must say that I read the reviews and some of the buyers indeed warn that this product exploded in their oven but all answers were that they were not following the changes in temperature. We did and guess what? – it exploded in our oven. Beside of the fact that is dangerous its annoying to clean all the mess it leaves.
Now there is no support for this product so I don't really know what to do beside of returning it. It's very disappointing as reviews doesn't capture the poor quality of the material and it says that this is Amazon choice
If safety is important for you, you should avoid buying it.[41]

f. [one-star review] I was cooking a roast last night using a pyrex baking dish. The temperature was set on 180 degrees, which I've done hundreds of times before. Whilst baking the dish shattered, I could not salvage the food, glass was all through it. I'm very disappointed in the product. Everything had to be thrown away. Not to mention the time it took to get rid of all the glass and oil. I would like to be compensated in some way for this.[42]

g. [one-star review] I've had three Pyrex cooking dishes so far bust in half while I'm using them to cook. Do you know how aggravating it is to have it happen 3 different times, and three different times I've had to throw my meals away! I will never ever buy Pyrex ever again and I will let others know how disappointed I am with your glass cookware.[43]

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[38] Posted by Denise of Mcgraw, NY, at id., on Mar. 25, 2018.
[39] Posted by Kathleen of Folsom, CA, at id., on Mar. 8, 2018.
[40] Posted by Caroline of Fort Meyers, FL, at id., on Feb. 16, 2018.
[41] Amazon Customer Review, June 1, 2019, https://www.amazon.com/gp/customer-reviews/R3NHYT7JYYFSWE/ref=cm_cr_getr_d_rvw_ttl?ie=UTF8&ASIN=B07L5498Z1 (last accessed Feb. 17, 2023).
[42] Shelley from Harrismith, WA, Dec 15, 2017, https://www.hissingkitty.com/complaints-department/pyrex-cookware (last accessed Feb. 17, 2023).
[43] Krista Ortiz, June 13, 2019, https://www.hissingkitty.com/complaints-department/pyrex- cookware (last accessed Feb. 17, 2023).

h. I took my 2 Pyrex dishes out of oven after making dinner. I place[d one on the] counter on dry cloth and the other on top of stove. I walked to trash can heard a loud noise and the pan blew up all over the kitchen my children were in there thank good no one was really hurt just some cuts from glass. The explosion was so bad it broke the plastic on my coffee maker.[44]

57. In conjunction with Corelle's experience in designing, manufacturing, and selling Pyrex, these consumer complaints and lawsuits confirm that Corelle knew about and actively concealed the inferior and dangerous nature of soda lime Pyrex from Plaintiff and the general public. Despite this knowledge, Corelle has failed to implement any changes to address the way it formulates, designs, manufactures, markets, and sells Pyrex to consumers.

58. Corelle is experienced in the design and manufacture of glassware, and likely conducted and continues to conduct testing on its Pyrex products. Such tests would be designed to assure quality control and to verify that the Pyrex products are free from defects. As a result, Corelle knew or should have known about the inferior and dangerous nature of soda lime Pyrex.

59. Plaintiff Samantha Pachirat suffered damages as a direct result of Corelle's deceptive practices.

**G. Defendant's Misrepresentations and Unlawful Failure to Disclose the Defect**

60. Corelle had a duty to disclose and not to conceal the Defect from Plaintiff and the public. Corelle breached this duty when it failed to disclose the change in glass formulation to consumers, failed to ensure that the quality and safety of Pyrex glassware remained unchanged with the change in formulation, and failed to recall the defective Pyrex products.

61. Corelle continues to falsely represent through both express and implied warranties that Pyrex is free from defects, of merchantable quality, and able to perform dependably for years of normal household use. In every sale of Pyrex products, Corelle warrants that Pyrex is fit for the

[44] Lisa Ketchum from Fort Myers, FL, Oct 14, 2017, https://www.hissingkitty.com/complaints-department/pyrex-cookware (last accessed Feb. 17, 2023).

ordinary purpose for which such goods are used and are free from defects.[45]

62. When communicating with customers, Corelle does not disclose that Pyrex glassware suffers from the Defect. As a result, reasonable consumers, including Plaintiff Mia Martin, purchase and use—and continue to purchase and use—Pyrex in their homes without knowledge that it is unsafe to do so.

63. Corelle has wrongfully placed the burden, expense, and difficulty involved in discovering the Defect on Plaintiff and the general public, forcing the consumers to replace failed Pyrex and pay for the cost of personal injuries and/or property damage.

64. Corelle has attempted to avoid liability for their dangerous product by adding a set of complex and contradictory warnings to their website and packaging inserts. These warnings are inconsistent with well-known consumer perceptions about Pyrex that Corelle carefully crafted during the borosilicate years and continued to maintain despite the change to soda lime glass. For example, consumers are directed to avoid "sudden temperature changes to glassware" even though Pyrex glassware "can be used for cooking, baking, warming and reheating food in microwave ovens and preheated conventional or convection ovens."[46]

65. Corelle knew or should have known that such confusing and contradictory instructions/statements are not reasonably likely to be understood by most consumers, whom Corelle has conditioned over decades to expect that Pyrex is fit for all household kitchen uses.

[45] *See, e.g.,* PYREX Limited Two-Year Warranty, http://www.pyrexware.com/4.5-qt-oblong- baking-dish/5302470.html#start=2 (last viewed Feb. 17, 2023).
[46] https://www.pyrexware.com/use-care-pyrex.html (last viewed Feb. 17, 2023).

## CAUSES OF ACTION
### Count I
### Negligence

66. Plaintiff re-alleges and incorporates all allegations raised in Paragraphs 1 through 64 into this cause of action as if set forth herein.

67. Corelle designed and manufactured the defective Pyrex glassware at issue using the soda lime glass instead of the borosilicate glass. At the time of manufacture, the Pyrex glassware was not merchantable and reasonably suited to the use intended – for the cooking of food – because it used the soda lime glass instead of the borosilicate glass, which renders the product to likely shatter during normal household use.

68. Corelle knew or should have known of the defects inherent in Pyrex glassware used by Plaintiff would deceive consumers, including Plaintiff, and pose an unreasonably dangerous and avoidable risk to consumers, which could lead to consumer injuries, such as the Plaintiff's injures in this case.

69. Corelle was negligent in designing the Pyrex product using the soda lime glass instead of the borosilicate glass in light of the foreseeable risk of harm.

70. Corelle negligence was the proximate cause of the Plaintiff's injury in this case.

WHEREFORE, Plaintiff Samantha Pachirat, by and through Plaintiff's attorneys, WALLACE MILLER, pray for damages against defendant Instant Brands LLC f/k/a Corelle Brands LLC in a sum in excess of $50,000.00, plus the costs of suit and all other relief permitted by law.

### Count II
### Strict Liability
### (O.C.G.A. § 51-1-11)

71. Plaintiff re-alleges and incorporates all allegations raised in Paragraphs 1 through

64 into this cause of action as if set forth herein.

72. Corelle designed and manufactured the defective Pyrex glassware at issue using the soda lime glass instead of the borosilicate glass. At the time of manufacture, the Pyrex glassware was not merchantable and reasonably suited to the use intended – for the cooking of food – because it used the soda lime glass instead of the borosilicate glass, which renders the product to likely shatter during normal household use.

73. Plaintiff used the defective Pyrex glassware as intended and suffered a personal injury.

74. Plaintiff injuries were proximately caused by the defect in the Pyrex glassware.

75. Thus, Corelle is strictly liable for the Plaintiff's injuries.

WHEREFORE, Plaintiff Samantha Pachirat, by and through Plaintiff's attorneys, WALLACE MILLER, pray for damages against defendant Instant Brands LLC f/k/a Corelle Brands LLC in a sum in excess of $50,000.00, plus the costs of suit and all other relief permitted by law.

**Count III**
**Failure to Warn**

76. Plaintiff re-alleges and incorporates all allegations raised in Paragraphs 1 through 64 into this cause of action as if set forth herein.

77. Corelle designed and manufactured the defective Pyrex glassware at issue using the soda lime glass instead of the borosilicate glass. At the time of manufacture, the Pyrex glassware was not merchantable and reasonably suited to the use intended – for the cooking of food – because it used the soda lime glass instead of the borosilicate glass, which renders the product to likely shatter during normal household use.

78. Corelle knew or should have known of the defects inherent in Pyrex glassware used

by Plaintiff would deceive consumers, including Plaintiff, and pose an unreasonably dangerous and avoidable risk to consumers, which could lead to consumer injuries, such as the Plaintiff's injures in this case.

79. Despite this knowledge, Corelle failed to disclose the Defect to consumers, including to Plaintiff, at any time before, during, or after purchase. Furthermore, Corelle actively tried to suppress the truth of the defect's danger.

80. Plaintiff injuries were proximately caused Corelle's failure to warn of the defects inherent in the Pyrex glassware used by Plaintiff, and Corelle's active suppression and misrepresentation of the Pyrex product.

WHEREFORE, Plaintiff Samantha Pachirat, by and through Plaintiff's attorneys, WALLACE MILLER, pray for damages against defendant Instant Brands LLC f/k/a Corelle Brands LLC in a sum in excess of $50,000.00, plus the costs of suit and all other relief permitted by law.

**Count IV**
**Consumer Fraud and Deceptive Business Practices Act**
**81 5 ILCS 505/1 and 815 ILCS 510/2**

81. Plaintiff re-alleges and incorporates all allegations raised in Paragraphs 1 through 64 into this cause of action as if set forth herein.

82. Corelle designed and manufactured the defective Pyrex glassware at issue using the soda lime glass instead of the borosilicate glass. At the time of manufacture, the Pyrex glassware was not merchantable and reasonably suited to the use intended – for the cooking of food – because it used the soda lime glass instead of the borosilicate glass, which renders the product to likely shatter during normal household use.

83. Corelle knew or should have known of the defects inherent in Pyrex glassware used

by Plaintiff would pose an unreasonably dangerous and avoidable risk to consumers, which could lead to consumer injuries, such as the Plaintiff's injures in this case.

84. Despite this knowledge, Corelle failed to disclose the Defect to consumers, including to Plaintiff, at any time before, during, or after purchase. Further, Corelle actively tried to suppress the truth of the defect's danger.

85. Even further, Corelle marketed Pyrex products as "versatile" glassware that is "safe to use in the oven, microwave, refrigerator, freezer and dishwasher" when it knew that soda lime glass did not match those descriptions.

86. Lastly, Corelle intended that consumers rely upon the misrepresentations listed above in the course of trade and commerce.

87. Plaintiff and Corelle are "person[s]" under 815 ILCS 505/1 and a "consumer" under 815 ILCS 505/1.

88. Corelle's failure to warn of the defect, suppression of the defect, and misrepresentation of the Pyrex glassware's quality is conduct that occurred in the court of trade and commerce and is a deceptive act and practice under 815 ILCS 505/2.

89. Plaintiff injuries were proximately caused by Corelle's deceptive acts and practice described above.

WHEREFORE, Plaintiff Samantha Pachirat, by and through Plaintiff's attorneys, WALLACE MILLER, pray for damages against defendant Instant Brands LLC f/k/a Corelle Brands LLC in a sum in excess of $50,000.00, plus the costs of suit and all other relief permitted by law.

**Count V**
**Uniform Deceptive Trade Practices Act**
**815 ILCS 510/2**

90. Plaintiff re-alleges and incorporates all allegations raised in Paragraphs 1 through 64 into this cause of action as if set forth herein.

91. Corelle designed and manufactured the defective Pyrex glassware at issue using the soda lime glass instead of the borosilicate glass. At the time of manufacture, the Pyrex glassware was not merchantable and reasonably suited to the use intended – for the cooking of food – because it used the soda lime glass instead of the borosilicate glass, which renders the product to likely shatter during normal household use.

92. Corelle knew or should have known of the defects inherent in Pyrex glassware used by Plaintiff would pose an unreasonably dangerous and avoidable risk to consumers, which could lead to consumer injuries, such as the Plaintiff's injures in this case.

93. Despite this knowledge, Corelle failed to disclose the Defect to consumers, including to Plaintiff, at any time before, during, or after purchase. Further, Corelle actively tried to suppress the truth of the defect's danger.

94. Even further, Corelle marketed Pyrex products as "versatile" glassware that is "safe to use in the oven, microwave, refrigerator, freezer and dishwasher" when it knew that soda lime glass did not match those descriptions.

95. Lastly, Corelle intended that consumers rely upon the misrepresentations listed above in the course of trade and commerce.

96. Plaintiff and Corelle are "person[s]" under 815 ILCS 510/1.

97. Corelle's misrepresentation of the quality and uses of the Pyrex glassware are deceptive trade practices under 815 ILCS 510/2.

98. Plaintiff's injuries were proximately caused by Corelle's deceptive trade practices described herein.

WHEREFORE, Plaintiff Samantha Pachirat, by and through Plaintiff's attorneys, WALLACE MILLER, pray for damages against defendant Instant Brands LLC f/k/a Corelle Brands LLC in a sum in excess of $50,000.00, plus the costs of suit and all other relief permitted by law.

Dated: March 23, 2023

*/s/ Edward A. Wallace*
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*Counsel for Plaintiff*

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**
**COUNTY DEPARTMENT, LAW DIVISION**

| | | |
|---|---|---|
| SAMANTHA PACHIRAT, | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | Case No. 2023L002892 |
| | ) | |
| INSTANT BRANDS LLC f/k/a CORELLE BRANDS LLC, | ) | |
| | ) | |
| Defendants. | ) | |

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury for all causes herein so triable.

Dated: March 23, 2023

*/s/ Edward A. Wallace*
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