

UNITED STATE DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

Michigan Insurance Company
as subrogee of Hajek Corporation
Plaintiff,

-vs-

Case No. 1:11-cv-01176
Honorable:

Hallmark Marketing Incorporated,
Taiwan Novelty Limited, and
Huizhou Zhaoxin Technology Factory,
Defendant.

RALPH M. REISINGER (P35645)
Reisinger Law Firm, PLLC
Attorneys for Plaintiff
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COMPLAINT and JURY DEMAND

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge

Now comes Michigan Insurance Company as Subrogee of Hajek Corporation and in support of its complaint states as follows:

1. Michigan Insurance Company is an insurance carrier licensed to do and doing business in the state of Michigan.
2. Hajek Corporation is a Michigan corporation doing business in the state of Michigan and was at all times relevant hereto insured under a policy of insurance issued by Michigan Insurance Company.

3. Taiwan Novelty Limited is a company doing business in the State of Michigan, whose corporation is located at 2nd Floor, No. 2 Ming Tsu East Road, 104 Taipei, Taiwan.

4. Huizhou Zhaoxin Technology Factory, is a company doing business in the State of Michigan, whose corporation is located at Qiaoxi District Sandong Town, Huizhou GD, China.

4. That the events which comprise the subject matter of this complaint occurred at 4589 Greenwood Rd. Petoskey, Michigan 49770.

5. That the amount at issue exceeds \$25,000 and venue is proper in this court.

COUNT I - FAILURE TO WARN HALLMARK

That Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1-5 above.

6. That prior November 6, 2008 defendant placed into the stream of commerce Jumbo snow globes with large cylinders acting as magnifiers.

7. That plaintiff's subrogor Hajek Corporation was a distributor of the Hallmark items.

8. That Hallmark failed to warn plaintiff's subrogor of the potential refractory hazards of the snow globes.

9. That as a result of the failure to warn Hajek Corporation stored the snow globes in an area subject to infiltration of sunlight, which resulted in the snow globe acting as a magnifying glass and igniting adjacent combustibles.

10. That the snow globes were subsequently recalled by the defendant due to the fire hazard which caused this fire (Exhibit 1).

11. That as a result of the fire, Michigan insurance company made payment to its insured in an amount in excess of \$75,000.

Wherefore Michigan Insurance asks that this honorable enter judgment in an amount deemed just and equitable.

COUNT II - NEGLIGENCE

That Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1-11 above.

12. That prior to November 6, 2008 defendants placed into the stream of commerce Jumbo Snow Globes for sale to the general public.

13. That the snow globes when exposed to sunlight acted as a magnifying glass.

14. That defendant Hallmark knew or should have known that thick glass globes could be a fire hazard if exposed to direct sunlight.

15. That Hallmark was negligent in placing the globes into the stream of commerce due to their propensity for starting fires, and by failing to test or inspect the globes for fire hazard given the known propensities for magnifying glass to concentrate light and start fires.

16. That as a result of the negligence of Hallmark plaintiff's subrogor Hajek Corporation was a distributor of the Hallmark items.

17. That Hallmark failed to warn plaintiff's subrogor of the potential refractory hazards of the snow globes.

Wherefore Michigan Insurance asks that this honorable enter judgment in an amount deemed just and equitable.

COUNT III - PRODUCT LIABILITY BREACH OF IMPLIED WARRANTY

That Plaintiff hereby incorporates by reference the allegations contained in Paragraphs 1-17 above.

18. That defendants Taiwan Novelty Limited and Huizhou Zhaoxin Technology Factory companies designed manufactured, sold, marketed, and or packaged for sale the snow globes described in counts I & II above.

19. That the snow globes were defective at the time they left possession of Taiwan Novelty Limited and Huizhou Zhaoxin Technology Factory.

20. That the snow globes were defective to the extent that they utilized thick curved glass subject to directing light and starting fires.

21. That as a result of the defective condition the snow globes started a fire at 4589 Greenwood Rd. Petoskey MI 49770.

22. That Taiwan Novelty Limited and Huizhou Zhaoxin Technology Factory failed to warn plaintiff's subrogor of the potential refractory hazards of the snow globes.

23. That as a result of the failure to warn Hajek Corporation stored the snow globes in an area subject to infiltration of sunlight, which resulted in the snow globe acting as a magnifying glass and igniting adjacent combustibles.

24. That the snow globes were subsequently recalled by defendant Halmark due to the fire hazard which caused this fire (Exhibit 1).

25. That as a result of the fire, Michigan insurance company made payment to its insured in an amount in excess of \$75,000.

Wherefore Michigan Insurance asks that this honorable enter judgment in an amount deemed just and equitable.

Dated: November ___, 2011

REISINGER LAW FIRM, PLLC
Attorney for Plaintiff

By: _____



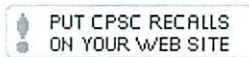
Ralph M. Reisinger (P35645)

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EXHIBIT 1



NEWS from CPSC



U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE
December 23, 2008
Release #09-073

Firm's Recall Hotline: (800) 425-5627
CPSC Recall Hotline: (800) 638-2772
CPSC Media Contact: (301) 504-7908

Hallmark Recalls Jumbo Snow Globes Due to Fire Hazard

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission, in cooperation with the firm named below, today announced a voluntary recall of the following consumer product. Consumers should stop using recalled products immediately unless otherwise instructed. It is illegal to resell or attempt to resell a recalled consumer product.

Name of Product: Jumbo Snowman Snow Globes

Units: 7,000

Importer: Hallmark Cards Inc., of Kansas City, Mo.

Hazard: When exposed to sunlight, the snow globes can act as a magnifying glass and ignite nearby combustible materials, posing a fire hazard.

Incidents/Injuries: Hallmark has received two reports of the snow globes igniting nearby materials. No injuries have been reported.

Description: This recall involves a Hallmark Jumbo Snow Globe in the shape of a snowman with model number 1XAG5093 and UPC code 795902066666. The snow globe measures 11 by 12 by 17 inches. The model number and the UPC code can be found on the back of the hangtag.

Sold at: Hallmark Gold Crown stores nationwide from October 2008 through November 2008 for about \$100.

Manufactured in: China

Remedy: Consumers should immediately remove the snow globe from exposure to sunlight and return it to any Hallmark Gold Crown store for a full refund.

Consumer Contact: For additional information, contact Hallmark at (800) 425-5627 between 8 a.m. and 5 p.m. CT Monday through Friday or visit the firm's Web site at www.hallmark.com



The U.S. Consumer Product Safety Commission (CPSC) is still interested in receiving incident or injury reports that are either directly related to this product recall or involve a different hazard with the same product. Please tell us about your experience with the product on www.saferproducts.gov

CPSC is charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of consumer products under the agency's jurisdiction. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$900 billion annually. CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard. CPSC's work to 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 30 years.

Under federal law, it is illegal to attempt to sell or resell this or any other recalled product.

To report a dangerous product or a product-related injury, go online to: www.saferproducts.gov, call CPSC's Hotline at (800) 638-2772 or teletypewriter at (800) 638-8270 for the hearing impaired. Consumers can obtain this news release and product safety information at www.cpsc.gov. To join a free e-mail subscription list, please go to <https://www.cpsc.gov/cpsclist.aspx>.



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JURY DEMAND

NOW COMES Plaintiff, by and through its attorney, Reisinger Law Firm, LLC, and
hereby makes a demand for jury trial in the above-referenced cause of action.

Dated: November 3, 2011

REISINGER LAW FIRM, PLLC
Attorney for Plaintiff

By:



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