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The Bakersfield Californian \$1

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'10 WORST TOYS'

Consumer watchdog group releases annual list of items that safety-minded parents may want to cross off their kids' wish lists

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W.A.T.C.H.

"Jurassic World" velociraptor claws, left, a quick-folding trampoline, above, and a foam dart gun are among the 10 items that the group World Against Toys Causing Harm is advising parents to skip purchasing for their children.



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Local



Roy Iversen sits next to images of the injuries he received from an exploding e-cigarette. On Tuesday, he talked about his injuries during a news conference at the offices of Chain Cohn Stiles.

J.W. BURCH IV / THE CALIFORNIAN

3rd Bakersfield resident filing e-cigarette lawsuit

BY J.W. BURCH IV
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Bakersfield resident Roy Iversen was riding home from work on Interstate 5 when his electronic cigarette, or e-cigarette, exploded in his pocket.

"It almost sounded like a firecracker going off on my leg and then it was just flames shooting up about a foot," Iversen said Tuesday during a news conference at the office of Chain Cohn Stiles.

The truck in which Iversen was riding was going slow enough, having just exited the freeway, that he was able to hop out and take off his pants, he said. His co-worker stopped the truck and poured water on the wound. Iversen would have a skin graft surgery within a week.

Iversen is the third Bakersfield resident represented by Chain Cohn Stiles filing a lawsuit regarding exploding e-cigarettes in the last week. On Nov. 19, Vincente Garza, along with his attorney Gregory L. Bentley of Shernoff Birdart Echeverria Bentley law firm, announced a lawsuit that alleges the manufacturing and design of the devices does not have enough checks and balances to ensure they are safe. Gregory Phillips is the other plaintiff.

According to court documents filed by the plaintiffs and their attorneys, Garza was "vaping" an e-cigarette when it exploded in his

mouth and caused severe injuries to his mouth, tongue and finger. Part of his left index finger was amputated as a result of the explosion. He also had surgery on his tongue immediately after the explosion.

The plaintiffs are seeking various kinds of damages, but have not listed a dollar amount.

Bentley said a product liability lawsuit has been filed against the store where Garza purchased the e-cigarette and battery, Luxor Café Vape Lounge on Calloway Drive; the store that sold him a charger for the device, Fame Vape on Chester Avenue; and the e-cigarette manufacturer, Flawless Vapes and Supplies LLC.

Phillips' complaint filed in court states his e-cigarette exploded in his pocket. He suffered second-degree burns over most of his left leg, which required two skin graft surgeries.

Phillips is also suing the store from which he said he purchased the e-cigarette, Cigarette World 4 on Stockdale Highway.

Iversen is suing Mr. Cigar on White Lane, which is where he said he purchased his e-cigarette.

Fame Vape, Cigarette World and Mr. Cigar were unavailable for comment on Tuesday. Luxor Café Vape Lounge is being represented by Campbell Whitten law firm, which has not responded to messages seeking comment.

"In all three cases, the battery exploded," said Matthew Clark, a personal injury lawyer for Chain Cohn Stiles. "Because there is no regulation, these products are being overlooked and safety is being compromised."

Chain Cohn Stiles is working with Shernoff Birdart Echeverria Bentley to represent the Bakersfield residents.

"Mr. Bentley has experience in e-cigarette cases, specifically tracking down insurance coverage that can cover the damages ... from exploding and burning e-cigarettes," Clark said. "We're finding out there are more and more of these cases out there."

In one case that Bentley took to trial, San Clemente resident Jennifer Ries was awarded \$1.9 million after her e-cigarette exploded in her car and caused second-degree burns to her legs and buttocks.

Cases against e-cigarettes are coming up across the country.

A Florida case sent Evan Spahlinger into a coma, according to NBC News.

Clark said the issue is a lack of regulation.

"These devices aren't being tested, the engineering behind them isn't being checked and that is why they are catching fire," Clark said.

"We want to make sure that there are safe products on the market," said Neil Gehlawat, Chain Cohn Stiles associate attorney.

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