

No.	Name	Date of Initial Contact by Customer	Comments
225	O'Brien, David	07/31/1997	David O'Brien, from Table Mountain Electric, has contacted BRK on behalf of the homeowners. The homeowners had nine smoke detectors, which were interconnected and installed in November of 1996. A BRK representative noted on A/M Call Processing form that there was "pellet stove malfunction" which caused the smoke. "Two dogs died."
226	Parentem, Leslie	07/31/1997	BRK representative noted on Customer Service Management form that there was a lot of smoke from cooking and it filled the home. No units responded to the smoke.
227	Revak, Tom	08/20/1997	Customer response to BRK questionnaire indicates smoke was generated by burned-out fan motor in furnace. Customer states that he suffered smoke inhalation. Customer states that smoke did reach the detector. Customer "heard a strange noise coming from the furnace" and that was how the incident was discovered.
228	Suiter, Cora	10/03/1997	Customer response to BRK questionnaire indicates smoke was generated by a toaster. "The toast burnt and the house was full of smoke." "We had to open the windows and doors to clear the air." Customer states that smoke did reach the detector.
229	Miller, Douglas	10/09/1997	Customer response to BRK questionnaire indicates "smoke was generated by water boiling out of cooking pot." "Smoke was all over the house." "You could press test button and it would work, but the smoke did not affect it."
230	Gregory, Mary	10/13/1997	Customer response to BRK questionnaire indicates smoke was generated by smoldering pillows. There was damage to carpeting. Carpeting was burned and pillows were destroyed. Detector tested okay after incident.
231	Feather, Allan	10/21/1997	Customer noted on BRK questionnaire that smoke was generated by the furnace motor burning up. Motor was destroyed. Customer states the smoke did reach the detector. Customer states the fire chief was there and "he said there was more than enough smoke to set them off."
232	McMahon, Sandy	11/18/1997	BRK representative noted on A/M Call Processing form that detector "didn't respond to black soot and smoke throughout home." "Furnace back drafted on lower level." "Husband tested detector afterwards with cigarette smoke and detector alarmed." "Smoke smell damage to drapes, etc. and black soot damage to ceilings."

No.	Name	Date of Initial Contact by Customer	Comments
233	Kirk, Connie	11/21/1997	<p>Customer letter states "I am returning your smoke detector due to the fact that our 11-year-old son relied on this lifesaving device, and when it was really needed, it failed to operate."</p> <p>"The smoke detector had a good battery installed in it, but it only went off during a fire when we pressed the test botton [sic]. It did not alert my son to the fire that was smoking in his room, at 4:00 a.m. He woke up because he could not breathe and was coughing. I am very thankful to God that he slept with his door open that night (Aug. 10, 1997), otherwise he probably wouldn't be alive today."</p> <p>"The fire did about \$2,000 damage to his room and our family room, due to smoke and small smoldering fire. We have homeowners insurance, and our house has been repaired, but I will never trust my child's life to your products again."</p> <p>"My child should be dead, but God woke him up. His box spring was on fire, right next to his head. Don't wait until someone dies to find out if it works! A new battery really doesn't mean that much. It had a new one and still didn't work."</p> <p>"If my child had died, this would a lawsuit [sic] letter instead of a warning letter."</p>
234	Kershner, Mark	11/24/1997	<p>Customer letter states "The enclosed smoke detector is defective. It was installed in my recently constructed home. The detector was exposed to a heavy cloud of burned butter and popcorn smoke and did not activate! Two days later, the detector did trip for no apparent reason. Then all nine detectors on the circuit sounded. The sound would not stop until we removed the enclosed detector from the ceiling (circuit)."</p> <p>"Please replace this smoke detector and let me know if this production run is defective. I do not want to rely on defective smoke detectors."</p>
235	Rowe, Delores and Larry	11/26/1997	<p>Customer letter dated December 9, 1997 states "We had two First Alert smoke detectors in our home giving us difficulties. The one enclosed marked "basement" would not stop chirping when the new battery was replaced in June of 1997, so it was disconnected. The one enclosed marked "kitchen" failed to go off in the presence of heavy smoke. As I described, the last week of August 1997 I unfortunately let a pan of green beans boil dry on the range in the kitchen. Though luckily no fire started, the entire house filled with heavy smoke and the First Alert smoke detector failed to go off. I was in a bedroom converted to an at-home office and had the door closed. My husband measued the distance from the kitchen range to my computer where I smelled the smoke as 45 feet. When I opened the door I was in very dense smoke and could barely see the furniture or objects in the living room and family room (the two</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>rooms between me and the kitchen). I ran to the kitchen and got the green beans off of the range, severely coughing and tearing due to the smoke and began opening doors and windows to try to release the smoke. My husband was outside on the patio with the patio door closed and when I opened the patio door and the smoke billowed out so heavily that my husband thought the house was on fire. My husband measured the distance from the range to the nonfunctioning smoke detector in the kitchen as 15 feet.”</p> <p>“As I indicated, we spent the entire Labor Day weekend cleaning in an attempt to eradicate the heavy smoke odor. The cleaning company that did our carpets and upholstery (again, only to eradicate the heavy smoke odor) gave us a solution to be mixed in water and to use to clean every surface and object, followed by wiping every surface and object before cleaning with regular cleaner. As we did this work ourselves, cancelling our holiday plans, there was no labor charge. I am enclosing a copy of the bill for carpet and upholstery cleaning for the living room and family room carpets and the sofa, two chairs and two ottomans in the family room. I was able to machine wash the drapes in the family room.”</p> <p>“While we appreciate receiving the two replacement smoke detectors, we no longer feel as secure in our home due to this incident of a smoke detector that operated when tested in June just two months previous to the incident, but did not operate in the presence of heavy smoke, though it continues to test as operational.”</p> <p>After receiving Beth Weber’s form letter providing the determination as to why customers’ detectors did not alarm, customer responded with their own letter dated April 1, 1998, “My husband and I read with total disbelief and total amazement your letter of March 25, 1998 providing your conclusions on the failure of our smoke detector to go off.”</p> <p>“In order for your company to reach the conclusions it did, you had to discard all of the facts of the incident.”</p> <p>“Quoting from your letter: ‘Had the smoke reached them, these detectors would have alarmed . . . as evidenced by the smoke sensitivity test results.’ FACT: Smoke detector SA76RS was a very short distance from the source of the smoke. The kitchen was totally engulfed with smoke. As was the family room, living room and hall. The smoke was coming under the door of the room I occupied (as marked on the diagram I provided) for me to smell it. The smoke billowed out the patio door (as marked on the diagram) in such quantity as to make my husband think the house was on fire. There is no way you can ever convince us that there was insufficient</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>smoke reaching smoke detector SA76RS to cause it not to go off.”</p> <p>“Quoting from your letter: ‘Since the detectors are also perfectly clean, it is clear that smoke did not reach them during the incident.’</p> <p>FACT: As I indicated to you in our very first phone call and subsequently, the smoke detector SA76RS had been cleaned with the cleaning solution provided to us by the company we had to hire for cleanup of our damages prior to ever talking to you about not cleaning it.”</p> <p>“FACT: It was necessary for us clean every surface, hire a company to come in and do the carpets and upholstery and then bring the machine to run 12 hours (with us out of the house) to attempt to eradicate the odor of the smoke. Even at this, a small trace lingered. So there is no way we could ever believe your conclusion that insufficient smoke was present to cause the detector to operate as it was suppose [sic] to.”</p> <p>“It is our opinion that in this ‘sue society’ your major concern was to excuse yourself of any possibility of liability on our loss and therefore, the conclusions you reached were totally predictable.”</p> <p>“Our sense of security has been badly shakened [sic] and we feel there are probably a lot of people still out there who are relying on smoke detector SA76RS [sic] models who think they are safe and protected.”</p> <p>“I really think you do users of your product a disservice with this response to our recent incident.”</p>
236	Sokaler, Helene	12/19/1997	<p>BRK representative noted on A/M Call Processing Form that customer called up wondering “why unit doesn’t respond to smoke?”</p> <p>About three months ago she had a lot of smoke coming out of her broiler and the unit around the corner from the kitchen did not respond.</p>
237	Puentes, Teri	12/22/1997	<p>Customer letter states that she was cooking a brisket on top of her stove and went to bed without taking the brisket off the stove. “At approximately 3:30 a.m. I heard my husband coughing, downstairs, very loudly. I yelled ‘Are you okay?’ My husand kept coughing -- so I turned on my bedroom light, to find my bedroom engulfed in smoke. I was never so scared in my life! I thought my house was on fire and that my husband was in the midst of the fire. As I went outside of my bedroom, the smoke was so thick that I could not see downstairs. My husband yelled ‘Open the doors and windows’ . . . the smoke started pouring out.”</p> <p>“I called the Fire Department because I was uncertain if we could sleep in our house due to the smoke and fumes. The Fire</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>Department and two separate police units came to our house. We were told it would be okay to sleep in the house. However, we sat outside for about 1½ hours as our house stunk like burnt firewood -- it was so awful.”</p> <p>Customer had an electrician out to the house and “He tested the detectors by using a lit cigarette. He did find that they were hooked up properly but one did not work.” Customer states that “not one detector went off that night.”</p> <p>“As I have stated to your company verbally and now in writing, I need the following done: (A) my furniture downstairs needs to be dry cleaned, (B) the walls downstairs need to be repainted, (C) my custom drapes dry cleaned, (D) my comforters on my bed dry cleaned.”</p> <p>”I am so upset over this matter. My beautiful house is only one year old and it literally stinks of burnt firewood.”</p> <p>“My homeowners policy dictates that I pay a \$1,000 deductible. It is not fair that I have to turn this into <u>my</u> insurance -- let alone pay the outrageous deductible. If the smoke detectors had worked, we would caught [sic] it in time, therefore, resulting in little or no damage at all.”</p>
238	Meola, Michell	01/05/1998	<p>Customer letter states “I have a high traffic household and have had two fires in my kitchen since installing this detector in November 1997. In both cases other detectors in the vicinity of the kitchen (hallway) alerted me. This one, which was installed in the kitchen, did not sound for either fire.”</p> <p>“The test button on the unit says it is working, giving a false sence [sic] of security. I no longer trust this detector and am returning it to you for the testing and improvement of the product.”</p>
239	Munneke, Simone	01/15/1998	<p>Customer letter states “This alarm detector I cannot depend on.”</p> <p>“I know there are times it should have gone off and it hasn’t. One time I was popping popcorn, no smoke, but it went off. And a few days later smoke from the fireplace plus a spill on the stove which caused smoke did not set the alarm off.”</p> <p>“I have tested the batteries, tried several, they were not the problem.”</p>
240	Jurgens, Daryl	01/16/1998	<p>Customer note states “First Alert is placed nine feet away from the wood burner. Didn’t go off when we had a roomful of smoke.”</p>
241	Schweitzer, Linda	02/04/1998	<p>Customer response to BRK questionnaire indicates smoke was generated by husband leaving hard-boiled eggs in a pot on the stove. “Water boiled out, the eggs exploded on the stove and went on fire.”</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>Customer states there was \$4,000 in smoke damages. Customer states that "The house was covered in smoke!"</p> <p>"I was thankfuly [sic] awakened by my tenant coming in at 3 AM!"</p> <p>"The smoke alarm finally went off <u>after</u> the fact! The smoke detectors went off after the windows and doors were opened for at least 15 minutes."</p>
242	Lavis, Tracey	02/06/1998	BRK representative noted on A/M Call Processing Form that customer woke during the night smelling smoke but did not see any smoke. Fire developed and customer called Fire Department. It took the Fire Department 25 minutes to come. "Detectors alarmed 20 minutes after Fire Department already there."
243	Atkinson, Wilson	02/09/1998	Customer responded to BRK questionnaire and states that the smoke was caused by toaster. Smoke did reach the detector. Customer states "We were in the kitchen but couldn't get the bread out before it smoked the whole house."
244	Martin, Joanne	02/13/1998	<p>Customer letter requests reimbursement for losing one day of work and her son losing two days of work, plus cleaning supplies. "Our whole apartment was cleaned ceiling to floor, curtains, carpets, and furniture."</p> <p>"I think this is a very reasonable request, considering the legal action I could have taken."</p> <p>"I am very disappointed in not hearing from you before this time. Perhaps your 'Testing Department' doesn't really exist, and all the 'concern' expressed is a public relations ploy."</p> <p>"I can assure you that while I may be easily forgotten, I will never forget waking to a house full of black smoke, knowing that my family may have perished if I weren't such a light sleeper."</p> <p>Customer also made a report to the New York State Consumer Protection Board.</p> <p>Letter from Beth Weber to Joanne Martin dated October 30, 1998 (NY State Consumer Protection Board is copied) enclosing a general release form and stating that "Upon receipt of the signed release, a check in the amount of \$251.50 will be sent to you." Weber states "This gesture is given in compromise of a doubtful and disputed claim and the payment made is not to be construed as an admission of liability on our part."</p> <p>Letter from customer to Weber dated November 12, 1998, stating "I will accept this small amount, as I am not a vindictive, suit-crazy person."</p> <p>"My main concern is that I don't believe there is any 'investigation</p>

No.	Name	Date of Initial Contact by Customer	Comments
			into this matter.' I fear for the lives of others who may placing [sic] their trust in your defective alarms. I strongly feel you have a moral obligation to recall those alarms before deaths result."
245	Pollinger, Frances	02/13/1998	BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was "skillet with olive oil left on stove. Kitchen filled with smoke. 3 detectors "tested after with test button."
246	Saelzer, Mrs. And/or Acacia on the Green Condos	02/17/1998	BRK representative noted on Customer Service Management his discussion with George who is the maintenance supervisor for the Acacia Omni Green condos. On February 10, 1998 there was a fire in an oven, causing very thick smoke that spread through the whole apartment. George got there right away and said he could hardly see to make his way to the kitchen and extinguish the fire. "There was no response from a unit, covered in smoke."
247	Sodeman, Jody	02/18/1998	BRK representative noted on SPECIAL HANDLING FORM cause of smoke was customer falling asleep while baking. There were flames from the oven. "Detectors tested after fire."
248	Koleno, Darrin	02/27/1998	Customer letter states, "These detectors are being returned for the following reasons: -They did not go off when our house was full of smoke. The wood burner burned out and smoldered. The back draft brought the smoke back in the house. We awoke in the middle of the night to find the entire house thick with smoke. We are lucky to be alive.
249	Hearn, Becky	03/12/1998	BRK representative noted on A/M Call Processing form that customer left a pan of tea to boil and walked out the door and forgot about it. "House full of smoke". Pan on burner disintegrated. Stove and spice rack were damaged. Customer note forwarding detectors to BRK states, "this was not the first time that these did not work."
250	Lloyd, Jim	03/17/1998	BRK representative noted on A/M Call Processing form that incident was due to a crack in the chimney liner. The entire home filled with smoke. "Firefighters could not enter without oxygen masks . . ." Approximately \$20,000 in damages. Customer response to BRK questionnaire indicates smoke reached detector. BRK representative noted on SPECIAL HANDLING FORM that customer discovered incident when "His 3YR old son woke them."
251	Douglas, Valinda	03/18/1998	Letter from customer's daughter stating "Mrs. Douglas woke up to a smoke filled house and the smoke alarm was not going off – it had a good six year lithium battery. Is it defective? Or did it beep itself to death!"

No.	Name	Date of Initial Contact by Customer	Comments
252	Roberts, Susie	03/20/1998	BRK representative noted on SPECIAL HANDLING FORM husband left grease in pan on stove and walked out of the room. The pan was set on the floor burning the floor. Detector was 9' from the stove. Detector down the hallway alarmed but not the kitchen unit, but the unit tested after.
253	Hines, James	03/24/1998	BRK representative noted on SPECIAL HANDLING FORM that smoke was generated from cooking left on the stove, it spread through the home and "unit did not respond. Unit responds to test button."
254	Czadzeck, Kenneth	03/30/1998	<p>Customer responds to BRK questionnaire and states that smoke was generated by microwave oven. Flames were all contained in the microwave. "After removed from house it burst into flames." There was \$6,000 damage to house for cleanup and personal property losses.</p> <p>Two females were taken to hospital for smoke inhalation. Smoke did reach the detector. Customer "could not see very well when we opened the bedroom door."</p> <p>All bedroom doors were closed at the time of the fire. "Fire Dept. said that's what saved us from smoke."</p>
255	Lamon, Eleanor	04/06/1998	Customer responded to BRK questionnaire stating that smoke was generated by a canvas tarp beside a Franklin stove. The tarp ignited. "There was no flames, just thick black smoke." Customer presumes the smoke reached the detector "since the two rooms and foyer where the detector was mounted were smoke filled."
256	Hamrick, Robin	04/07/1998	<p>Customer responses to BRK questionnaire indicates smoke was generated by chicken burning on top of the stove.</p> <p>There was a "ton of smoke so thick it was hard to see." Customer had a sore throat and chest for two days. Customer states that smoke did reach the detector "most definitely, I could hardly see the smoke was so thick. It burned my nose, throat and chest."</p> <p>"I was asleep in basement. My dogs woke me up."</p> <p>The insurance man said I was very lucky. It was <u>quite</u> an expense to have my house cleaned. <u>I hope</u> it does not raise my insurance rates! The worse thing is that my house still smells of smoke due to a protein burn."</p>
257	Mazzara, Melissa	04/13/1998	<p>Customer letter states,</p> <p>"I have to share with you why I will never recommend your product to any of my friends and also why I am removing all of your products from my home and all of my rental property.</p> <p>I have four children ranging from the teens to a toddler. Having</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>school aged children, I am reminded, and do, change my smoke detector battery twice a year through flyers sent home from school. (My children also remind me.) I thought I could trust in your product because I have seen advertisements on TV and such.</p> <p>I had one of your smoke detectors upstairs between my childrens' bedrooms. By accident a heating device fell in the reptile cage in one of the bedrooms there was smoke two feet thick along the ceiling of the bedroom. I have severe allergies and my nose is almost always plugged. I could smell something was burning and ran upstairs, got my children out of bed and rescued the reptiles. The smoke was thick, it was hard to see and breathe. My husband and I opened windows and doors to clear the smoke. MY FIRST ALERT SMOKE DETECTOR WITH FRESH BATTERIES NEVER WENT OFF!!!! My husband pushed the check button and it went off but when he held a smoldering match under it it never went off."</p> <p>"How can you people sleep at night knowing you manufacture a substandard product that can kill children? I hope your corporate people have these products installed in their homes but I highly doubt it."</p>
258	Lyndaker, Martin	04/17/1998	<p>Customer response to BRK questionnaire indicates smoke was caused by a plugged chimney. Customer states there was "smoke damage to entire house – need to clean all walls, floors, clothes, windows, etc."</p> <p>Customer states smoke did reach detector.</p>
259	Nieves, Angel	04/20/1998	<p>BRK representative noted on SPECIAL HANDLING FORM a candle fell off table and ignited sofa, oriental rug, etc.</p> <p>Customer responds to BRK questionnaire stating that smoke did reach the detector.</p>
260	Tobin, Kathy	04/23/1998	<p>Customer letter states, "to whom it may concern:</p> <p>This is very frightening. I purchased two smoke detectors which both are defective! I had a fire on my wood burning stove, with flames and smoke, and the detector never sounded. The second detector went off when I was cooking bacon and the kitchen got smoky but never quit. I put it outside and under pillows but it still took about three hours before it quit"</p>
261	Metrowsky, Elizabeth	04/28/1998	<p>Customer letter stating, "Enclosed are the old fire alarms that did not work for us. My house was full of smoke, and they never went off."</p> <p>Customer responds to BRK questionnaire stating that smoke was generated by customer frying hamburgers.</p> <p>There were no injuries "but we had to open every window, turn on</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>all our overhead fans, and go outside until the smoke subsided.</p> <p>BRK interoffice memo from K. Enloe to Beth Webber providing “unalarmed (yuk, yuk)” results.</p> <p>“Tomorrow, for grins and if time permits, I will start a toast fire and see what happens. I’ll keep you posted if there are any interesting results.”</p>
262	Brady, Mrs.	05/05/1998	<p>Customer response to BRK questionnaire indicates that smoke was generated by food in a microwave. Customer states a cloud of thick dark smoke came towards her from the microwave when she was cooking on the stove. “I opened doors and windows, covered my nose and pulled the plug on the microwave.”</p> <p>The smoke “was like a solid dark green cloud. I shut the oven door. Could not breathe. My grandson and I went outside until smoke cleared. I then checked the smoke detector which did not go off and it tested okay which concerns me.” Customer states that the house had a bad smell for a couple weeks.</p>
263	Sweeney, Cheryl	05/26/1998	BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was from pot of boiling pacifiers left on the stove. “Smoke filled home.”
264	Havrilla, Sally	05/27/1998	BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was due to “chicken burnt on stove, room filled with smoke, detector didn’t respond with alarm (sic) but tested properly with test button.
265	Morgan, Sarah	05/29/1998	BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was due to customer putting a cigarette out and wooden pot caught on fire, “home full of smoke, fire department said to call us.” Detector tested with test button while customer was on the phone with BRK call representative.
266	Ferguson, Ferrell	06/03/1998	<p>BRK representative noted on CALL COMMENTS form that customer had a fire at his vacation home. BRK representative interviewed the Fire Chief of the Southfork Fire Department. Fire Chief stated that fire was caused by defective installation of fireplace insert. “Fire occurred in eaves of roof and probably burned for six to seven hours before the fire department arrived.”</p> <p>“Fire was starved for O₂ because new home was tightly built. There was no flame until FD ventilated fire so they could get at it. He thinks the neighbors saw the smoke and called it in. There was some smoke in the home but he’s not sure how dense it was. He can see why the kitchen unit and the unit in the closed bedroom didn’t alarm. But he thought the open bedroom unit should have alarm</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>(sic). He didn't recall if there was smoke or soot stain on the alarms, but they had been handled. He tested the kitchen and open bedroom unit with cigarette smoke and they didn't alarm. Female occupant said there had been times when the kitchen unit alarmed when she cooked pancakes."</p> <p>Memo from Al O'Geary to Hal Grant (BRK general counsel) and Karen Yaggie regarding "potential liability with 'wake and warn'."</p> <p>O'Geary states "I just got off the phone with a gentleman that claimed to have three (3) faulty wake and warn units in his house. He stated that he had a smoldering fire in a blocked chimney, that filled the house with smoke, and that the detectors did not go off. He further stated that when the fire and police departments arrived, they tested the units with smoke, got no alarm and yet the test buttons activated the alarms. His insurance man recommended that he leave these units installed in his house until the outcome of the case.</p> <p>Although this man was upset, he was reasonable, and I believe that a prompt response would help with the containment of the situation."</p> <p>Handwritten notations by BRK representative on this memo indicate customers insurance agent (State Farm) "said not to release alarms."</p> <p>However, alarms were ultimately sent to Ron Sisselman under Beth Weber's direction on July 22, 1998.</p> <p>In a memo dated August 6, 1998 from Ronald Sisselman to Beth Weber, Sisselman states, "I am an independent consultant retained by BRK Brands, Inc., to examine and inspect smoke detectors that allegedly failed to operate as designed."</p> <p>[There is no information in the file that would indicate the customer was notified that Ron Sisselman, as late as March of 1995, was, to use Weber's term, "corporate counsel for BRK." Sisselman prepared Beth Weber for depositions involving BRK smoke detector litigation, including litigation regarding claims that the detector did not respond to smoke. (Beth Weber Dep., dated 3/3/95, <i>Mercer v. Gerry</i> at 10:8-25, testimony located at Ferguson customer complaint No. 266)].</p> <p>[BRK employee Nicholas Bellavia testified in his deposition that Sisselman was previously employed at BRK as the VP of Administration and was in charge of both Accounting and Human Resources; he also coordinated cases/lawsuits, primarily those involving smoke detectors (Bellavia Dep., dated 12/27/95, <i>Mercer v. Gerry</i> at 17:5-14 testimony located at Ferguson customer complaint No. 266)].</p>

No.	Name	Date of Initial Contact by Customer	Comments
			[BRK employee Gary Lederer testified in his deposition that Sisselman was on annual retainer and he believed this relationship had continued up to the date of Lederer's deposition. (Lederer Dep., dated 12/5/96, <i>Goldsmith v. Pittway</i> at 126:8-127:14, testimony located at Ferguson customer complaint No. 266)].
267	Decker, Pat	06/24/1998	Customer letter states "we purchased a smoke detector and installed it in our hall. Frequently it will go off when we use our toaster, even when the toast is not ever burned. We assumed it was very sensitive to smoke. One day I burned a pan of rice on the stove. There was an <u>extremely large</u> amount of smoke in the house. The air was hazy with smoke. <u>Yet the alarm did not go off.</u> We tested the alarm with the test button and it worked but now we are concerned why the alarm did not go off with so much smoke in the house. It's a puzzle to us because it will go off when we use the toaster even when there is no smoke detectible. <u>Is our smoke detector dependable?"</u>
268	Brumert, Ray	07/06/1998	BRK representative noted on SPECIAL HANDLING FORM that smoke was caused by a board on the stove catching fire when the burner underneath it was turned on. "Room full of smoke." Detector was tested with test button and match smoke but didn't alarm with smoke.
269	Dunlap, Mike	07/06/1998	Customer responses to BRK questionnaire indicate that incident was generated from popcorn smoke. There was \$650 worth of smoke damage. "House was fully engulfed in smoke."
270	Janney, Glenda	07/20/1998	Customer letter states, "This smoke detector did not go off today. I put sugar water on the stove and forgot about it. Smoke was visible throughout much of the house and the smell was strong. The battery checks out okay. If this is a defective (sic) you need to know this in order to save other's lives." Customer responses to BRK questionnaire indicates incident was discovered when "smoke smell woke me up. Could see smoke throughout upstairs."
271	Kent, Benjamin	07/21/1998	Customer letter states, "March of this year (1998) we had a kitchen fire. The firemen were called, Ellenton Fire Dept., to our dismay and the firemen's dismay and upsetment (sic), the alarm never went off with all the black smoke that went through the home."
272	Rowlands, Richard	08/10/1998	BRK representative noted on SPECIAL HANDLING FORM cause of smoke was "heat tape to water line malfunctioned causing smoke and fire, floor near water htr on fire. Unit didn't sound."
273	Doria, Christine	08/12/1998	BRK representative noted on CUSTOMER SERVICE MANAGEMENT FORM that customer was over at neighbors house for approximately one hour while a pot of macaroni and cheese was cooking on the stove. When she came home "smoke-filled home

No.	Name	Date of Initial Contact by Customer	Comments
			but no alarm from detectors.”
274	Dodds, Craig	08/17/1998	Customer responses to BRK questionnaire indicates smoke was generated by propane and there was smoke damage. Smoke did reach the detector and incident was discovered when customer was woken up by the dog.
275	Wells, Karen	08/24/1998	Customer response to BRK questionnaire indicates smoke was generated by a pot roast left on the stove. Customer states there was smoke damage. Customer states “we came home to a house <u>full</u> of smoke.” Customer notation on diagram of home states “the two detectors that were sent in are circled. We did not send in the other two. <u>None</u> of the detectors were going off. <u>All</u> of them ‘tested’ fine after the smoke damage.”
276	Palazzo, Lorraine	09/04/1998	Customer response to BRK questionnaire indicates smoke was generated by wood stove causing thick smoke in cellar. BRK representative notes on SPECIAL HANDLING FORM that “detector was tested after incident with canned smoke and matches and alarmed.”
277	Bain, Elizabeth	09/22/1998	BRK representative noted on SPECIAL HANDLING FORM that there was a fire in customer’s toaster oven. There were flames. Customer put the fire out with a fire extinguisher and the detector didn’t sound an alarm until she was cleaning up the mess.
278	Prachyl, Lewis E.	11/25/1998	Letter from customer dated November 17, 1998 stating “In early October of this year I purchased three smoke alarms to replace three old ones (10 years old), I tested them according to the directions, i.e., pushed the button. They seemed to be working fine. Yesterday, 16 November, my wife put some bread product into the microwave and set the controls improperly resulting in the food getting badly charred and smoke filled the kitchen and in fact the entire house. NOT one of the three alarms emitted any sound whatsoever, nor did the safety lights (on models equipped with them). I went to each alarm, all mounted on 8-ft ceilings and pushed the test buttons. All responded indicating the alarm was suppose to be functioning properly. I then lit some paper: it had both flame and smoke. I held this under the smoke alarms and the two further most from the kitchen did respond. The on (sic) in the kitchen did not respond. I tried to set the alarm of (sic) by trying various methods, such as burring (sic) candles, smoldering candles, etc. all to no avail. The alarm would not emit a beep, however, every time I pushed the test button, the alarm would sound. The test button <u>ONLY INDICATES THAT THE BATTERY IS OKAY, IT DOES NOT PROVE THAT THE ALARM IS IN PROPER WORKING ORDER.</u>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>Needless to say, had it been a real fire, the smoke alarm would have proven useless. In fact it is a liability as it gives a false sense of security.”</p> <p>Second letter from customer dated December 17, 1998 states, “As I said, the test button tests <u>ONLY the condition of the batteries</u>, it does <u>NOT/DID NOT test the working condition</u> of the unit itself.</p> <p>I can see no benefit to filling out the forms you sent. I have already replaced the unit.</p> <p>All I want is that the public is made aware of the true purpose of the test button; the condition of the battery and not the condition of the unit.”</p>
279	Shantz, Anna	12/14/1998	<p>Customer letter states that she used her microwave oven to defrost some food and inadvertently used the cooking cycle instead of the defrosting cycle. “In a few minutes the oven started to smoke, the plastic bowl disintegrated, the kitchen curtains (sic) scorched and the whole house filled up with smoke.</p> <p>The most disturbing thing was, that the smoke alarm did not get off. The alarm is located in the hallway by the kitchen, the hallway was filled with smoke, but there was no alarm sounding.</p> <p>I bought the First Alert alarm in March '98 at the Navy Exchange, Moffett Field, CA. I periodically tested the test button, which seems like to work (sic). It did no (sic) work right after the incident, but worked again after a while and of course the battery was new when I installed the unit seven months ago.</p> <p>I am returning the alarm to you, to have it checked and I want to stress, this was a very unnerving experience, since the house could have burned down. I am relying on alarms to give me some warnings, but in this case the alarm was useless. Please let me know your findings.”</p>
280	Smith, Gerald	12/17/1998	<p>Customer letter states “I am returning my two First Alert fire detectors to have checked as they both failed during a recent kitchen fire. The fire started while it was being preheated and the family was in the basement. Smelling smoke we came upstairs to find the house filled with smoke and a fire in the oven compartment. A plastic handled utensil was left in the oven and had melted and was in full flame. The fire was easily put out with no damage done. The depressing part was that neither of our two-three week old fire detectors sounded. One (1) located about 25 ft away outside the kitchen, and the other (2) being at the top of the stairs on the second floor.”</p> <p>Customer removed the closest detector and attempted to sound it with residual smoke in the oven and then holding it over an open</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>flame in their wood stove and then finally striking matches.</p> <p>“You can understand my concern and distrust of these units. You be the judge whether they are faulty and need replaced (sic).”</p>
281	Kolbe, Lillian	12/21/1998	<p>Customer responses to BRK questionnaire indicate smoke was generated by hot paraffin wax. Customer states that smoke did reach the detector. Incident was discovered when the wax got hot and smoked all over the house.</p>
282	Umin, John	01/11/1999	<p>Customer letter states, “On the 19th of December we had a fire in our attic above the kitchen. When the fire department arrived, they pulled down about 90% of the ceiling and the entire kitchen was engulfed with black smoke and your fire alarm did not sound. In fact, it did not sound until a fire marshall came about one hour after to find out what caused the fire. By then, there was absolutely no smoke left or present in the house at all. And then it only sounded for about 30 seconds and then quit. We had roughly \$8,000 in damages.</p> <p>I regularly check my detectors the first of every month to ensure they are in working order. Even though they have a 10-year battery life span, I want to be safe.</p> <p>My major concern is about the other First Alert smoke detectors located in our house. I have a little baby and am not to (sic) safe knowing that this one did not alarm. Are the others okay? I placed our lives in the hands of these warning systems and they failed. Should I be concerned?”</p> <p>“Please let me know of your findings and if I can feel confident knowing that my First Alert smoke detectors will perform when smoked upon.”</p> <p>Customer response to BRK questionnaire states smoke did reach the unit. “Large amounts of grayish-black smoke.”</p> <p>“My baby and I were sleeping on the floor and when my wife came home she immediately smelled smoke and we call (sic) 911.</p> <p>The entire kitchen was filled with smoke and “all of the firefighters where (sic) shocked that the darn thing did not go off until about 95% of the smoke had been removed from the house. God knows how long the unit had been exposed to smoke because my daughter and I were asleep, but thank goodness my wife came home when she did.”</p>
283	Carroll, Betty Jean	02/02/1999	<p>BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was pan of french fries, kitchen on fire “filling kitchen and dining room areas with smoke. Unit didn’t alarm.”</p> <p>“Horn sounded when tested later.”</p>

No.	Name	Date of Initial Contact by Customer	Comments
284	Silverberg, Stephen	02/02/1999	<p>Customer letter states that three enclosed detectors did not sound in a smoke situation. "The situation in which none of these reacted is a bit strange but nonetheless, upsetting. My wife put a potato in the microwave for an average time of 2-1/2 minutes on the first side after puncturing it to ensure it did not burst. Within seconds it started to emit huge clouds of back smoke which filled the house and worked it's way to the upstairs rental unit. My wife fought her way throughout the smoke to pull the plug on the microwave and the smoke stopped. By this time the house was so filled with smoke that vision was completely obscured and the upstairs apartment was also smoke filled. At no time did any of the three "smoke" detectors activate. I understand the operation of this model is to detect particles from nylon and other combustibles (not potatoes) but I feel mush (sic) safer with the dual chamber units you have been so kind to send. The thought of potential death from the "wrong" smoke inhalation while the alarms remain dormant was upsetting at the least!"</p>
285	Ross, Linda	03/12/1999	<p>Customer letter states, "To Whom It May Concern:</p> <p>We bought a new First Alert smoke detector a year ago. We thought it was extra sensitive because steam from cooking on the stove in the next room would make it go off."</p> <p>"Opening the oven door while baking made it go off. On Monday, Feb. 1 we had a dryer fire. The house was filled with smoke. The fire department was called. The smoke detector did not make a sound. The next day I was boiling water and it went off again. Needless to say as far as I'm concerned your detector is worthless. If we had been asleep, we could have died from the smoke.</p> <p>I am writing this to let you know. Your product may be faulty. Thankfully I discovered the fire myself, but it could have been worse. We have since replaced all of our smoke detectors with another brand."</p>
286	Norris, Jehan	03/18/1999	<p>Customer letter states, "I'm writing this letter in great concern. We have a new home and are expecting our first child next month, therefore we bought four First Alert Smoke Alarms this week to secure our family's safety. We installed the alarms throughout the house. Last night, while cooking dinner, I burned bread in the oven. The entire house filled with smoke and not one of your smoke detectors went off. When we installed them the other day, they tested in working order. After the smoke cleared I did everything to try to set-off your alarms but to no avail. These alarms test as if they are in working order, giving you a false sense of security. There is definitely something faulty in these four alarms."</p> <p>"My family should feel safe and secure with your product. I do not</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>want anyone to lose their home or their family because of a false sense of security they felt by having your alarms in their homes.”</p> <p>The customer letter was copied to Better Business Bureau and Channel 2 TV Consumer Reports.</p>
287	Scalese, Joseph	03/25/1999	<p>Customer handwritten note states, “somehow a napkin slowly ignited or burned on range jet—smoked filled area—and smoke alarm did not work. We replaced battery (new one) and still does not work.”</p> <p>“We were quite shocked when alarm did not signal excess of smoke during daylight hours.”</p>
288	Wright, James	03/25/1999	<p>Customer letter states, “Within the last three or four months I purchased three new First Alert smoke alarms, (Type SA67B). Two were for our home and one for our cottage. Replacing the approximately 8 or 9 year old First Alert smoke alarms. On January 9, 1999 there was a fire at the cottage. The fire was in the wall which created heavy smoke damage inside. However, the new smoke alarm DID NOT go off (sound any alarm), until after the fire department was there (inside) putting the fire out. They could not believe it didn’t work and neither could I. What if a fire had started at night when we were sleeping.”</p> <p>“What is the problem with your smoke alarms?”</p>
289	Noble, Rodney	04/12/1999	<p>Customer responses to BRK questionnaire indicate the smoke came from a fire in the chimney and attic. Damages consisted of \$3,000 damage to the structure and \$4,000 smoke damage.</p> <p>Customers “Saw smoke filling house—smoke detector failed to go off. Handwritten note from customer states “Smoke came out of attic through the furnace filter vent. Blowing right at the detector.”</p>
290	Combs, Calvin	04/14/1999	<p>Customer letter states, “On Friday morning, March 19, 1999, our garage was engulfed in smoke caused by a burning belt on the washing machine. The transmission on the washing machine leaked all the oil out of the gear box and it all ran down on the belt and the belt slipped until it burnt itself up. There was no heat but a lot of smoke. My wife and I were scared to death at first thinking that the house was going to burned down. I moved one of the cars out as soon as possible and soon found out that the problem was the washing machine. The First Alert smoke detector never went off at all. I have it mounted on the ceiling in the garage, about 12 feet from the washing machine. The first thing that I did was to check the test button, and it worked. The battery is brand new.”</p> <p>“So as you can see, I am not a happy customer. I would like to</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>know why your First Alert smoke detector did not perform as advertised? Does it have to melt off the wall in order to work?</p> <p>I will be waiting to hear from you. If not, I feel I should contact our local fire department and let them know of my situation and how I should correct it.”</p>
291	Gruver, Frank	04/20/1999	<p>Customer response to BRK’s questionnaire indicates smoke was generated due to a fire between inside and outside wall.</p> <p>“The entire house was full of smoke. Basement so full of smoke you couldn’t see and smoke detector did not go off.”</p>
292	Carlton, Mike	04/22/1999	<p>Customer letter states, “This letter is in response to a fire that took place in my daughter’s bedroom. Fires (sic) was caused by a faulty extension cord that caught fire and then spread to her dresser and wall.</p> <p>One of these detectors was on the ceiling three feet from her door at about seven to eight feet from the fire. It never went of (sic) during the fire. It would ring when the button was pushed. The other detector was about 40 feet away in another room that was damaged by smoke. It also did not go off.”</p> <p>“Frankly, I’m not impressed with First Alert Products. My children could have died in this fire had not my 17-year old son been alert and acted quickly. I am currently warning all of my friends and family to replace their First Alert alarms with products from any other company. I consider your products to be substandard, obviously defective, and wholly unsafe. I am returning these detectors at the request of the customer service tech who took my complaint call. Her statement was that your company wanted to find the problem. I’m confident that your staff will find a way to exonerate your product. That will NEVER change my opinion of your shoddy products. You do not sell just smoke detectors, you sell security and safety. People are depending on your products. In my opinion you are perpetrating the worse kind of fraud.”</p>
293	Schneebeli, Karen	04/26/1999	<p>BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was due to the wood furnace backing up and that there was smoke on all levels of the home. There were four detectors returned for no response to smoke.</p>
294	Bishop, Shanda	04/30/1999	<p>Customer responses to BRK questionnaire indicates that smoke was generated by stove catching on fire. The stove was destroyed. Smoke did reach the detector.</p>
295	Russell, J.L.	05/06/1999	<p>BRK representative noted on SPECIAL HANDLING FORM that detector did not go off when smoke from a fireplace engulfed room. One detector was in the same room as the fireplace and alarmed</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>after 10 minutes, the other unit did not alarm.</p> <p>Customer response to BRK questionnaire indicates that damage consisted of “considerable—smoke and soot in whole house.”</p>
296	Sinowitz, Lyn	06/18/1999	<p>Customer response to BRK’s questionnaire states that smoke was generated by cooking and that smoke did reach the detector.</p> <p>“Smoke so dense, could not see or breathe.”</p>
297	Cammel, Dorothy	06/29/1999	<p>Customer response to BRK questionnaire indicates smoke was generated by “a hearth stove which was not draining properly.”</p> <p>Customer states that the smoke did reach the detector “the whole house was thick with it—we were asleep.”</p>
298	Bowman, Dorothy	07/09/1999	<p>BRK representative notes on SPECIAL HANDLING FORM that cause of smoke was a pot of green beans on stove. The smoke filled kitchen and dining area. “4 units in the vicinity.”</p> <p>BRK representative notes on A/M Call Processing form that customer is very upset about problem. “Has a fireman friend who tells them that most 1st Alert smokes—‘never’ sound the alarm.”</p>
299	Barber, George	07/15/1999	<p>Customer response to BRK questionnaire indicates smoke was generated by burning pie crust. Incident was discovered when “smoke filled up the downstairs—could be smelled and seen—doors and windows had to be opened.” Customer states smoke did reach the detector.</p>
300	Linhardt, Ms.	07/23/1999	<p>Customer letter states, “On May 3, 1999—we were alerted to a possible fire in the basement of one of our apartments. When we arrived the basement was full of smoke and the alarm was not going off after the cause of the smoke was found and some of the fumes were out of the basement. We tried the test button on the alarm and it worked. Had it not been for one of our tenants going into the basement, who knows what may have happened.”</p> <p>Customer response to BRK questionnaire indicates smoke was generated by defective sump pump.</p> <p>Customer states that the battery was properly connected “the Fire Chief tested the detector when they responded to the call and found it to work with the test button.”</p>
301	Shubert, C.A.	08/18/1999	<p>Customer response to BRK questionnaire indicates that smoke was generated by a pan on the stove. Customer states that smoke did reach the detector and the detector was properly powered and “the smoke detector simply didn’t work.”</p>
302	Sucharski, Linda	08/27/1999	<p>Customer letter states, “ I purchased this unit 1/1/99. I had a fire in my kitchen on 8/13 and <u>this alarm did not go off</u>. I checked the battery and it was okay. I don’t know what the problem is but this is</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>the first time I purchased 'First Alert' brand and I am very disappointed in its nonfunction.</p> <p>Thank god it was daytime and we were not sleeping."</p> <p>Customer response to BRK questionnaire indicates that entire house had smoke damage and kitchen had to be repainted.</p>
303	Cobb, Peggy	09/13/1999	<p>Customer response to BRK questionnaire indicates smoke was generated by a frying pan on the stove and water cooked out.</p> <p>Incident was discovered when customer came inside and found the "house full of smoke. The detector didn't go off. The smoke was so thick I couldn't even tell if the frying pan was on fire or not until I got close to the stove."</p>
304	MacFeaters, Lorri	09/14/1999	<p>Customer response to BRK questionnaire stating smoke was generated by microwavable popcorn that had overcooked "and burned to charcoal!"</p> <p>There was damage to microwave and surrounding plastic units. Customer states that smoke definitely reached the detector. Incident was discovered when customer "smelled and saw thick gray-black smoke".</p>
305	Wolf, Clara	10/15/1999	<p>Customer letter states "I'm writing this letter on behalf of my son Dale Lane Bradley. My son's bed caught fire from an outlet next to his bed, my son is 13. We were downstairs watching TV and had fallen asleep. The only reason we were alerted [sic] was because of the rolling smoke coming down the stairs."</p> <p>"We went upstairs and put out the fire on the mattress".</p> <p>Customer states they "put fans in the windows to draw out the smoke when 90% of the smoke was out then the smoke alarm went off".</p> <p>"The smoke alarm is only four feet from my son's bedroom. He is my only child and I can't have any more. We also have no insurance. So we have had to do the best we can do."</p> <p>"This farm was our dream and still is but now we have more to do. You can still smell the smoke. It burnt the rug downstairs in the living room because we didn't have time to move it. We first had to get the mattress outside. My son's room was totaled and water went through the floor to our room so I guess that explains it all. Thank God we were both okay. My son is my life, he's really had trouble sleeping and has been sleeping downstairs. I first keep thanking God my son is okay. I thought you needed to know about these smoke alarms."</p>
306	Hawkins, Larry	11/22/1999	<p>Customer response to BRK questionnaire indicates smoke was generated by a pan of pinto beans left on the stove. Damage is just</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>over \$15,000 and paid by insurance company. Customer is having to replace all cabinets, had all carpets cleaned, all clothes sent to laundry and replaced microwave oven. Customer states the battery is a 10 year battery and has always tested properly.</p> <p>Customer states “my biggest concern is what if this had happened while we were all asleep and did not wake up! This is something you purchase for piece-of-mind and I’m sorry to say I do not have that with your company any more! I do expect you to make this right in my eyes or I will seek further action! As I told Beth Weber you can do all the testing you want but the fact is the smoke detector did not work.”</p>
307	Krause, Sharline	12/06/1999	<p>Handwritten note from customer states “I bought this last May – had a incident with a smoking fry pan which filled the room and this didn’t go off till AFTER the air was cleared. Compared to my old one this one is defective.”</p>
308	Rambough, Stacy	12/06/1999	<p>Customer letter states, “Recently we experienced a fire in our home. Fortunately we detected it before it did much damage.</p> <p>I woke about 1:00 a.m. to the smell of smoke in my bedroom. I ran through the house to determine the source. Unsuccessful I awoke my husband and we proceeded to secure our six year old son and various rooms we determined were fire free. Walking past the hall bathroom, the corner of my eye caught a towel that had been placed on top of the light fixture (by my son earlier that night for whatever reason we may never know) come into flames. All of this duration of time (from waking up to seeing the source of the smoke) may have been 7-10 minutes. There is quite a bit of smoke in the bathroom and hallway. We have a smoke detector at the intersection of the hall and the doors to our four bedrooms. The smoke was at least 6-8 inches down from the ceiling encasing the smoke detector, yet it never <u>went</u> off.</p> <p>After the excitement settled we checked the test button and it worked. I had checked the detector a few weeks earlier because my son had questioned what it would sound like if it were to go off. Unfortunately when we did need it, for whatever reason, it did not function properly.</p> <p>I’m returning this detector to you to analyze or throw away, which ever suits your business practices. As for my family and me, we are going to keep counting our blessings that we are all safe.”</p>
309	Kelly, Jan	12/07/1999	<p>Customer letter states, “To whom it may concern:</p> <p>I am writing to let you know about the two smoke detectors that we have and we had a fire on August 7, 1999 and neither one went off. The house was filled with smoke and the fire chief checked them</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>and they both were working but did not go off. We had one at the foot of the stairs going down into the basement and one in the hallway upstairs. We are supposed to feel a little safe with smoke detectors but now I don't know."</p> <p>Customer response to BRK questionnaire states "both alarms worked when fire chief checked them but didn't work when house was filled with smoke."</p>
310	Maruca, Ralph	12/16/1999	<p>BRK representative noted on SPECIAL HANDLING FORM the cause of smoke was due to wood stove backing up. The TV room was completely filled with smoke and the detector didn't alarm. The other three detectors he has didn't alarm either.</p>
311	McCartney, Lee	12/16/1999	<p>BRK representative noted on SPECIAL HANDLING FORM that customer left pan on stove by accident and house filled with smoke and detector didn't alarm.</p> <p>Customer took detector to fire department and they put it in a box with smoke and it did not alarm.</p>
312	Sagath, Dave	01/03/2000	<p>Customer letter states, "enclosure for smoke alarms and the sales receipt from K-Mart. I spoke with Ann on 01/03/00 and explained to her the problem with these smoke alarms.</p> <p>I bought two twin packs from K-Mart on 12/09/99. I installed them in my home (a ranch house). The locations are: one at the top of the basement stairs, the second at the end of the hall towards the bedrooms and a third up on the cathedral ceiling between the kitchen and living room (kitchen and living room are open rooms). And the fourth in the attic. The damper closed on my fireplace and the house filled up with smoke. At the time I was in my bedroom with the door closed. When I smelled the smoke that came out of my bedroom. The smoke was very thick and my eyes and lungs were burning from the smoke. THE SMOKE ALARMS DID NOT WORK!!! While I was opening the windows one alarm beeped three times and then it stopped.</p> <p>I've always used First Alert general use smoke alarms in the past. I've had similar situations with smoke from my fireplace and the smoke alarms detected the smoke immediately. Just a piece of toast burning in the toaster would set the alarm off.</p> <p>I am very, very upset the smoke alarms did not work properly!!! Please inform me of the test results from the alarms that I returned."</p>
313	Straub, Susan	01/12/2000	<p>Customer letter states, "My husband and I purchased your smoke detectors for our home. With advice from our local fire department, we placed them on each of the three levels. Monday night, my husband turned on our oven to begin cooking dinner. He did not realize that I had placed a cake pan with a plastic lid inside the</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>oven. Our entire kitchen quickly began to fill with smoke as well as the awful smell of melted plastic. The very surprising fact is that our smoke detector in the corner of our kitchen failed to go off! We opened all of the windows, and it took approximately ten minutes to air out our kitchen.</p> <p>We realized that a stupid mistake could have caused a house fire. We also realized how lucky we are that we discovered that the smoke detector was defective prior to a real fire in our home. The disturbing part is that we changed the batteries regularly and tested monthly. It continues to beep when we test it. We have since changed all of our smoke detectors to a different brand. We felt that you should be informed of this incident.”</p>
314	Sanders, Larry	01/13/2000	<p>BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was microwave caught on fire. Living room filled with smoke “couldn’t see ceiling”</p> <p>Detector tested fine after the smoke was gone.</p>
315	Smith, Laurie	01/17/2000	<p>Customer letter states, “In August of this year I purchased a new home. At that time I also purchased your fire alarm, model 83R. On December 24, while cooking for family, part of our meal spilled in the oven and caused the house to fill with smoke. There was no fire and no one injured, but I was very concerned when I realized our smoke detector never went off. The house was thick with smoke and it never sounded. I have tested the unit and it tests as if it were functioning fine. I would like to bring this to your attention in case there is some problem with this model. There may be others, such as myself, who believe they are protected by this alarm when in reality they are not. This unit is no more than five months old and had new batteries at that time.”</p>
316	Schwartz, Leigh	01/17/2000	<p>Customer letter states “Monday evening, Dec. 27 I had a chimney fire in my fireplace in my family room. The room was filled with thick smoke and after 30 minutes the smoke detector gave three short beeps. The fire dept. noted in their report that the smoke detector had a slow response.”</p> <p>“I have three other First Alert smoke detectors installed in other areas of my home, and I am concerned about their reliability in the event of another fire.</p> <p>I will return the smoke detector to you for examination and testing.”</p> <p>Second letter from customer is dated Jan. 25, 2000 states “the detector was in dense smoke for at least thirty minutes before it gave out three short beeps, then was quiet. Firemen were present when this happened and noted on their report that the detector was slow to respond.”</p>

No.	Name	Date of Initial Contact by Customer	Comments
317	Withrow, Samantha	01/20/2000	BRK representative noted on SPECIAL HANDLING FORM that 85% of customers' trailer was smoke damaged. Williamsburg Fire Department responded. Firemen tested detector and it "tested okay".
318	Ringenoldus, Tim	01/31/2000	<p>Customer responds to BRK questionnaire and states smoke was generated by customer boiling pacifiers on the stove and fell asleep. Water boiled away and pacifiers melted. There were no flames just "thick smoke throughout the entire house – all levels."</p> <p>Customer states the "smell stayed for several days" and got into the furniture and carpet, etc. and permeated the furniture and carpet.</p> <p>Customer states that smoke did reach the detector and she woke up to a house full of smoke.</p>
319	Backer, Mike	02/22/2000	Customer response to BRK questionnaire indicates that smoke was generated by daughter putting a pizza in the oven and fell asleep. Customer woke up in the morning and opened bedroom door and "house was full of smoke." Damage included a "film on windows and curtains."
320	Braun, David	04/10/2000	<p>Customer response to BRK questionnaire indicates smoke was generated by kid putting hot dog in microwave for too long of a period. Customer states that smoke did reach the smoke detector, "it filled the room".</p> <p>"We have eight of these things and I would like to know if the other seven are also defective."</p>
321	Francisco, Dotti	05/03/2000	BRK representative noted on CALL COMMENTS form that dishwasher caught on fire. Kitchen detector did not alarm. "Only damage is dishwasher and smell in home".
322	Muirhead, Neil	05/04/2000	<p>Customer letter states, "<u>THIS SMOKE</u> alarm did not activate, nor did the light, even though the entire area was filled with dense smoke.</p> <p>When tested by pressing the test button, the unit worked fine."</p> <p>"Please replace it with a unit that will detect <u>SMOKE</u>"</p>
323	Belanger, Amy	05/08/2000	<p>Customer response to BRK questionnaire and states smoke was generated by a fire in the dryer. There was "extensive smoke damage. The dryer was burned."</p> <p>Customer "suffered smoke inhalation".</p> <p>Incident was discovered when customer "was at home asleep. My cats woke me and the house was filled with smoke."</p>
324	Hansgate, Catherine	05/19/2000	Customer letter states, "I'm sending these smoke alarms to you because they did <u>not</u> 'sound-off' last month when my house sustained smoke sustained smoke damage. The weekly test button

No.	Name	Date of Initial Contact by Customer	Comments
			<p>was pushed and it indicated that everything was OKAY (battery).”</p> <p>“Please figure out why they didn’t work . . . so the public can benefit from your testing.”</p>
325	Long, Katherine	05/19/2000	BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was computer caught fire. There were detectors in two children’s bedrooms 12 feet away with doors open. Fire department “used machines to pull smoke out of home.”
326	Smith, James	05/24/2000	Customer noted on BRK questionnaire that smoke was generated by a microwave oven. There was smoke damage to curtains. Customer states that the smoke did reach several detectors and her microwave was ruined.
327	Spadero, John	06/06/2000	<p>BRK representative noted on SPECIAL HANDLING FORM that smoke was caused by a pot being left burning on a stove. Customer reported smoke and the fire department tested with a candle after the incident and detector alarmed.</p> <p>“Dog had smoke inhalation [sic]”</p>
328	Konieczny, James	07/13/2000	<p>BRK representative noted on CALL COMMENTS form that cause of smoke was a blanket touching a light bulb left on in the linen closet three feet from the smoke detector. Blanket smoldered filling area with smoke and detector didn’t alarm.</p> <p>“Dog woke up wife w/barking”.</p>
329	Leisen, Lori	07/25/2000	<p>Customer letter states, “I am a paramedic/fire fighter and had purchased three of your alarms. Unfortunately two of them were given away during fire prevention week (unknown distribution) and one was installed in my own home. On July 4th, I awoke to very thick heavy smoke throughout my home and barely escaped.</p> <p>I have a policy of changing my smoke detector batteries each three months and test them each month when the water bill comes in. The batteries were fine, however the detector itself failed to function and it nearly cost me my life.”</p> <p>“I would like a replacement and also to advise you of that failure so that others lives may be saved. If you have any questions, please feel free to contact me.”</p>
330	Russell, Tom	07/28/2000	<p>BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was a power surge which blew appliances and the TV was smoking.</p> <p>BRK representative noted on A/M Call Processing form that smoke detector was above TV and it did not alarm.</p>
331	Hardaway, Dixie	08/24/2000	BRK representative noted on A/M Call Processing form that there was a grease fire in a rental property. Landlord stated that there

No.	Name	Date of Initial Contact by Customer	Comments
			were two detectors that didn't go off and one detector was 4' from the stove.
332	Lau, Nancy (also Mr. and Mrs. Prescott)	08/28/2000	<p>Customer responds to BRK questionnaire and states smoke was generated by leaving food on the stove. Hard boiled eggs exploded sending food all over kitchen. Damage included the pan on the stove. "Smoke stayed in house a long time and smell did not leave for about a week."</p> <p>Customer states that smoke did reach the detector, "<u>absolutely</u> it permeated the house <u>very thick</u>, and <u>none</u> of the five alarms were activated upon our return." Incident was discovered when customers "opened our front door and smoke poured out."</p> <p>Detector is "hard wired – electrician came to check and all was properly wired,</p> <p>When I called you to report this, I was told to test with canned smoke which we did today and the alarms responded to that – why don't they activate in the <u>REAL</u> situation when needed. Had we been asleep when this happened I feel certain we'd all have suffered inhalation injuries very serious in nature – even our cats ruined our drywall clawing to get out of a closed window and ultimately were found crouched in a corner of our bedroom closet on the floor.</p> <p>Will you kindly respond in writing as to your explanation as to <u>why</u> this happened and if indicated, what your corrective action is? The alarms you kindly sent as replacements function no differently than those that originally failed."</p> <p>(also Mr. and Mrs. Charles Prescott)</p>
333	Wilson, Clarence	09/08/2000	<p>Customer response to BRK questionnaire states smoke was generated by incident with microwave. Customer states that following incident she "had a headache for about a week, and chest pains for about two weeks."</p> <p>Incident was discovered "when I woke up choking."</p>
334	Casey, Claire	09/19/2000	<p>BRK representative noted on BRK call in form that customer had burnt some butter and "house filled with smoke"</p> <p>"She said you could cut it with a knife" and detector never went off.</p> <p>Customer stated she had burning eyes and she was choking.</p>
335	Blomquist, Sidney	09/26/2000	<p>Customer responses to BRK questionnaire indicate that smoke was caused by a pot of olive oil. Damage was "just heavy smoke throughout house". Customer states "burned oil on the stove. Smoke filled, dining room, kitchen, liv room, master bedroom, laundry room." Detector was properly connected and "it sounded the alarm when tested."</p>

No.	Name	Date of Initial Contact by Customer	Comments
336	Hall, Kate	10/09/2000	BRK representative noted on SPECIAL HANDLING FORM that cause of smoke was food burning on stove and "house filled w/smoke, did not alarm".
337	Thompson, John	10/11/2000	BRK representative noted on SPECIAL HANDLING FORM that incident was caused by water heater shorting out and catching on fire. There was smoke damage. People are in "cleaning carpet and everything".
338	Brown, Douglas	10/12/2000	Customer responses to BRK questionnaire indicates smoke was generated by a spill in the oven which "filled the kitchen and family room with smoke. The smoke was even in the family room area and yet the alarm did not sound."
339	Freeman, Ruth	10/19/2000	<p>BRK representative noted on A/M Call Processing form "fireman called from customer's home said smoke bad enough to sting eyes."</p> <p>Fireman tested both detectors and they worked with test button. Fireman tried to get detectors to alarm with smoke and neither of them would.</p> <p>Customer responds to BRK questionnaire and states that smoke was generated by clumps of dried grass burning in the fireplace.</p> <p>There were no injuries except to "my confidence in any smoke detectors."</p> <p>"I held the new smoke detector right in fireplace smoke (after it failed to go off in the smoky room & I was choking before the detector 'beeped.'"</p>
340	House, Holly	10/19/2000	<p>Customer purchased four family guard smoke alarms. She accidentally turned the wrong burner on her stove. Customer letter states "it caught fire with a pot holder, There were flames shooting from the stove. Smoke filling through the entire house.</p> <p>Not a single one of smoke alarms made a sound. I put new batteries in all of them. Tested them all. They tested as though they were working. They all tested right, but none of them worked. I'm very dissatisfied with your product. I would like some form of reassurance. If my husband hadn't come in when he did all of my belongings and my family would have gone up in flames, because of the worthless smoke detectors."</p>
341	Lopez, Rebecca	11/27/2000	Customer letter states, "I bought a First Alert with a ten-year warranty. I fell asleep while cooking dinner. The alarm didn't go off. Lucky for me one of my kids came in and turned it off.
342	Belleau, David	12/20/2000	Customer response to BRK questionnaire states smoke was generated by a wood furnace. "We have two detectors, neither worked during incident." Test button worked after the incident. Customer states that smoke did reach the detector "yes, very much

No.	Name	Date of Initial Contact by Customer	Comments
			<p>so.”</p> <p>There was a back draft in the wood furnace chimney and smoke was “carried throughout the house. We saw and smelled the smoke. It was thick.”</p>
343	Smith, Sharon	01/02/2001	<p>Customer response to BRK questionnaire indicates smoke was generated by a pipe coming off the back of a wood burning stove. There were no flames but “very heavy smoke. The basement was filled that when you were at the top of the steps you could not see the bottom.”</p> <p>Damage included “smoke smell throughout the house, furniture, clothing, etc. Injuries included “two people that had smoke inhalation that burned our throats, did not seek medical care. Eyes burning from smoke also.”</p> <p>The detector tested ok later in the day.</p> <p>The incident was discovered when “one of the occupants of the house woke up smelling smoke at 3:00 a.m. By this time the main level was full of smoke, not as dense as the basement however.”</p> <p>“The alarm is electric with a battery back up and the battery was put in correctly.”</p>
344	Spina, Eugene	01/02/2001	<p>Customer response to BRK questionnaire stating that smoke was generated by an oven mitt which caught on fire. Mitt was on fire in cabinet above oven and “burnt cabinet wall and started fire on two hot plate mats.”</p> <p>The oven mitt and hot plate mats were on fire with visible flames. Cabinet wall was smouldering.</p> <p>“Smoke alarm in hallway approx. 20 feet away went off as house was full of smoke (made by FIREX) First Alert ten foot away never went off.”</p>
345	Mayor, Deborah	01/07/2001	<p>Customers response to BRK questionnaire indicates smoke was generated by back draft of wood stove. There was damage to curtains and “house still stinks”.</p> <p>Customer experienced “sore throat and hard to breath (sic) for about one wk”</p> <p>Incident was discovered when “couldn’t breath (sic) spouse woke up to discover house filled with smoke.”</p>
346	Andrianos, Linda	01/16/2001	<p>Customer response to BRK questionnaire indicates smoke was generated by “goose neck clip-on lamp melted through shade and ignited small pillow.”</p> <p>BRK representative noted on A/M Call Processing form that customer’s 11-year-old son ran to the bathroom with flaming pillow</p>

No.	Name	Date of Initial Contact by Customer	Comments
			<p>and put it in the tub. Both detectors were six feet from the bathroom. One detector did give out 3 beeps and then quit. "Son was sleeping on pillow that caught fire."</p> <p>House quickly filled with smoke so thick the customer could not see.</p>
347	Madigan, Mike	02/06/2001	<p>BRK representative noted on SPECIAL HANDLING FORM that incident was caused by couch catching on fire from heating pad. Fire dept. responded. House was full of smoke, "couldn't see to other side of living room, 7-year-old son on couch, 10-year-old son woke up and woke everyone else up"</p>
348	Mills, Mike	02/19/2001	<p>BRK representative noted on CALL COMMENTS form that customer had a smoke incident. Three-year-old daughter and wife were sleeping and "daughter woke mother up, house had filled w/smoke."</p> <p>Wood stove pipe had fallen off, customer called husband, who was five minutes away and he came home and called fire dept. to get the smoke out of the house. Smoke was worse upstairs because wife had aired out the downstairs. Smoke burned husband's eyes. No detector alarmed until firemen started to clear smoke out of the house.</p>
349	Dickenson, Tammy	02/20/2001	<p>Customer response to BRK questionnaire indicates smoke was generated by a leak in the chimney. There was smoke damage. Customer states that smoke reached all five of her detectors. She "woke up to smell of smoke."</p> <p>Customer states that her insurance deductible is \$250 and it isn't worth it to go through them.</p> <p>"Smoke alarms are to <u>save</u> lives, not kill them. Now I worry on how well you can depend on them. I had to strip my whole house down. Redo all our clothes, wash walls, furniture, etc. I just feel that my family isn't safe with what you call safe smoke alarms for the simple fact they proved their use to me and did nothing. I don't expect you to feel bad for us or give us some kind of help and b/c usually a big company like yourself has other priorities and this is something small to you. But to me, my husband and our new baby this is a big priority, safety. Thank goodness I woke up b/c I could not even see my dogs who sleep on the floor next to me and my baby in the next room.</p> <p>I hope this helps you understand how us customers feel when our lives are at risk and safety don't work when you most need it to."</p>
350	Cosman, Gary	02/22/2001	<p>Customer response to BRK questionnaire indicates that customer had BRK units. Smoke was generated by water boiling out of a one quart pan with eggs and a plastic egg timer. Damage is "smoke</p>

No.	Name	Date of Initial Contact by Customer	Comments
			damage and lots of clean up.”
351	Coen, Heidi	02/27/2001	Customer response to BRK questionnaire and states the smoke incident was generated by wood stove. The test button responded after the incident “but the detector doesn’t alarm from <u>smoke!</u> ”
352	Fredericks, Joan	03/30/2001	<p>Customer response to BRK questionnaire and states smoke was generated by fire in micro range above stove. The appliance was “fully in flames-ruined range completely.”</p> <p>Smoke did reach the detector. Smoke was on about 12 to 13 inches thick on ceiling.</p> <p>“When baking in kitchen-smoke detector used to go off every time-electric stove. But when we had the actual fire alarm did not go off. I can no longer use range and can’t afford a new one. Insurance has a \$500 deductible so we didn’t put in a claim because we don’t have the extra \$500 to replace”</p>
353	Emeigh, Stacy	04/26/2001	<p>Customer letter states, “on April 22, 2001, our family had a house fire. We owned two smoke alarms made by your company.”</p> <p>“Neither of my alarms worked in this case and the only thing that saved our lives was that our fire was in the day when we were awake. I would like you guys to know that I lost everything in that fire including my mobile home. The one thing I am happy with is that me and my family got out. The fire dept. said we are lucky we were not sleeping. I now have no home, we have no insurance because my husband lost his job and we didn’t have the money to renew. He has a job now but it is a little late to have insurance. We have a two-year-old daughter and she is our pride and joy if anything ever happened to her we would be lost without her, yes we should have had insurance, but my alarms should have worked too. They didn’t got off and the fire dept. said they were installed right, I made sure I asked the firemen when he told us we were lucky. If we were had (sic) alarms that worked maybe we would still have a home. WE are just grateful we are alive, although my husband suffered smoke in lungs.”</p>
354	Holloway, Arthur	05/09/2001	<p>Customer response to BRK questionnaire indicates that smoke was generated by an electrical fire. Customer is not sure if there were any flames “because the house was full of smoke and we didn’t go in”</p> <p>There was “smoke damage and structural damage in dining area, kitchen, living room”</p> <p>“The test buttons on alarms worked even after the fire but did not work for smoke”</p> <p>BRK representative notes on A/M Call Processing form that</p>

No.	Name	Date of Initial Contact by Customer	Comments
			customer suffered \$10,000 in damages.
355	Beers, Mabel	05/21/2001	Customer letter states, "we purchased and installed a First Alert smoke alarm (model no. SA68-made 2000 JUL 18) in January of this year. Even with a new battery in it, it no longer alarms in the presence of smoke (we discovered this when we had a spill over in the oven and had to open our kitchen windows to clear the air-yet the alarm was not sounding."