

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

<b>USAA GENERAL INDEMNITY COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	
<b>ATEKCITY CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	
	)	

**Civil Action File No.:**  
\_\_\_\_\_

**COMPLAINT FOR PROPERTY DAMAGE**

Plaintiff USAA General Indemnity Company sues Atekcitey Corporation as follows:

**THE PARTIES, JURISDICTION, AND VENUE**

1. Plaintiff USAA General Indemnity Company (“USAA”) is a Texas corporation with a principal office in San Antonio, Texas.
  
2. Defendant Atekcitey Corporation (“Atekcitey”) is an Iowa corporation with a principal office in Anaheim, California. Defendant Atekcitey may be served with process by service upon its registered agent: California Registered Agent Inc., 1401 21st Street, Suite R, Sacramento, CA 95811.
  
3. This court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1332 because there is complete diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds the sum of \$75,000, exclusive of interest and cost.

4. Defendant Atekcity is subject to the personal jurisdiction of this court pursuant to O.C.G.A. § 9-10-91 because at all times material to this Complaint, it derived substantial revenue from goods used or consumed in this state, or engaged in other persistent courses of conduct.

5. Venue is proper in this court pursuant to 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to the claim occurred in this judicial district.

### **ALLEGATIONS OF FACTS**

6. This action arises from a February 15, 2024, fire at the home of Joseph and Niki Hutsell located at 120 Windsor Drive, Eatonton, Georgia 31024.

7. The fire caused damaged to the Hutsell's home and personal property in an amount not less than \$550,650.85.

8. At all times material to this Complaint, Plaintiff USAA insured the Hutsell's home and personal property against loss or damage, including loss and of damage cause by fire.

9. Pursuant to its policy of insurance, Plaintiff USAA indemnified the Hutsell's in an amount not less than \$550,650.85 for their losses arising from the fire.

10. Pursuant to its contractually required indemnification of its insureds, Plaintiff USAA is subrogated to all rights, claims, and causes of action of the Hutsell's against those parties responsible for the February 15, 2024, fire.

11. The fire originated in a Cosori brand air fryer manufactured in China and distributed and/or sold in the United States by Defendant Atekcity.

12. The Hutsell's purchased the Cosori air fryer through the Amazon Market Place on November 22, 2021.

13. On February 23, 2023, Defendant Atekcity issued a recall for certain Cosori air fryers, including the one purchased by the Hutsells. A true and correct copy of the recall notice is attached hereto as Exhibit A.

14. The recall notice states that the recall was initiated because "[a] wire connection in the air fryer can overheat, posing fire and burn hazards."

15. Despite issuing the recall notice, Defendant Atekcity did not notify the Hutsells of the recall or the fire hazard posed by the Cosori air fryer.

16. Unaware of the existence of the recall and the fire hazard posed by the Cosori air fryer, the Hutsells continued using the air fryer for almost another full year until it caught fire on February 15, 2024.

### **NEGLIGENCE**

17. Defendant Atekcity owed to all foreseeable persons, including the Hutsells and USAA, the duty to use reasonable care in importing and distributing Cosori air fryers in the United States so as to avoid causing an unreasonable risk of harm to persons or property.

18. Defendant Atekcity breach the duty it owed to the Hutsells and USAA in one or more the following ways:

- A. Failing to adequately inspect and/or test Cosori brand air fryers to determined their suitability for distribution and sale in the United States;

- B. Improperly importing into the United States defective Cosori air fryers;
- C. Improperly distributing and/or selling in the United States defective air fryers;
- D. Failing to warn of the defective and dangerous nature of certain Cosori air fryers, including the one purchased the Hutsells;
- E. Failing to diligently perform the recall campaign for Cosori air fryers;
- F. Failing to notify the Hutsells of the defective and dangerous condition of their Cosori air fryer; and
- G. Other acts or omissions as discovery may reveal.

19. As a direct, proximate, and foreseeable result of Defendant Atekcity' s breach of duty and negligence, the Hutsells and USAA sustained damages in an amount not less than \$550,650.85.

WHEREFORE, Plaintiff USAA General Indemnity Company prays that:

- A. Process issue and be served upon Defendant compelling it to appear and answer this complaint;
- B. Plaintiff have judgment in its favor and against Defendant in an amount not less than \$550,650.85; and
- C. Plaintiff have all other relief allowed by law and equity.

This 30th day of January 2026.

*Signature on following page*

*/s/ David M. Bessho*

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*Attorney for Plaintiff USAA General  
Indemnity Company*

# **EXHIBIT A**



United States  
CONSUMER PRODUCT SAFETY COMMISSION

# Two Million COSORI® Air Fryers Recalled by Atekcity Due to Fire and Burn Hazards (Recall Alert)

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Recalled Cosori air fryer Models CP158-AF, CS158-AF, CAF-P581-AUSR and CAF-P581S-AUSR  
(Light Gray)

**Name of Product:**

Cosori Air Fryers

**Hazard:**

A wire connection in the air fryers can overheat, posing fire and burn hazards.

**Remedy:**

Replace

**Recall Date:**

February 23, 2023

**Units:**

About 2 million (In addition, about 250,000 were sold in Canada and about 21,000 were sold in Mexico)

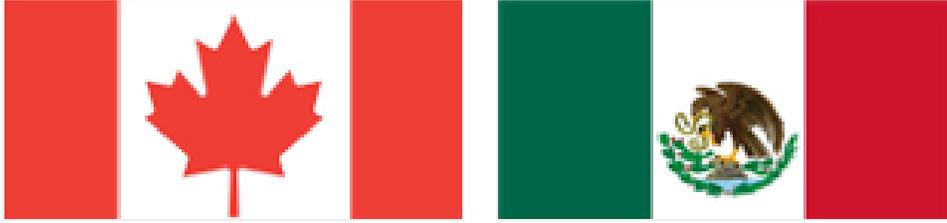
## Consumer Contact

Cosori toll-free at 888-216-5974 from 8 a.m. to 5 p.m. ET Monday through Friday, email at [CosoriRecall@Sedgwick.com](mailto:CosoriRecall@Sedgwick.com) or online at [www.recall.cosori.com](http://www.recall.cosori.com) or [www.cosori.com](http://www.cosori.com) and click on the "Important Voluntary Safety Recall. Learn More" banner at the bottom of the page for more information.

# Recall Details

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## In Conjunction With:



## Description:

This recall involves Cosori air fryers with model numbers CP158-AF, CP158-AF-R19, CP158-AF-RXW, CP158-AF-RXR, CAF-P581-BUSR, CAF-P581-AUSR, CAF-P581-RUSR, CP137-AF, CP137-AF-RXB, CP137-AF-RXR, CP137-AF-RXW, CS158-AF, CS158-AF-RXB, CS158-AF-R19, CAF-P581S-BUSR, CAF-P581S-RUSR, CAF-P581S-AUSR, CO137-AF, CO158-AF, CO158-AF-RXB, CP258-AF. The brand name Cosori is on the front of each unit. The model number is printed on the bottom label of each unit and on the accompanying user manual. The units are size 3.7 and 5.8 qt. and were sold in black, gray, white, blue or red colors.

## Remedy:

Consumers should immediately stop using the recalled air fryers and contact Cosori to receive their choice of a free replacement air fryer or another Cosori product by registering at [recall.cosori.com](https://recall.cosori.com). During registration consumers must provide their contact information and submit photos of the recalled unit with the cord cut off. No receipt is needed to receive a replacement.

## Incidents/Injuries:

The firm has received 205 reports of the air fryers catching fire, burning, melting, overheating and smoking. These include 10 reports of minor, superficial burn injuries and 23 reports of minor property damage.

## Sold At:

Best Buy, Target and The Home Depot stores nationwide and online at Amazon.com, Adorama.com, Bedbathandbeyond.com, Cosori.com, eBay.com, Homegoods.com, Kohls.com, Lowes.com,

Macys.com, QVC.com, Staples.com, Vesync.com, Walmart.com, Wayfair.com, Wellbots.com and Woot.com from June 2018 through December 2022 for between \$70 and \$130.

**Importer(s):**

Atekcity Corporation, of Anaheim, Calif.

**Manufactured In:**

China

**Recall number:**

23-130

Fast Track

Recall

Note: Individual Commissioners may have statements related to this topic. Please visit [www.cpsc.gov/commissioners](http://www.cpsc.gov/commissioners) to search for statements related to this or other topics.

**Recall Complaint**

If you are experiencing issues with a recall remedy or believe a company is being non-responsive to your remedy request, please use this form and explain the situation to CPSC.