

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KIM REED, individually and on behalf  
of all others similarly situated,

Plaintiff,

v.

WHIRLPOOL CORPORATION,

Defendant.

Case No.

**CLASS ACTION COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Kim Reed (“Plaintiff”), individually and on behalf of all others similarly situated, brings this action against Defendant Whirlpool Corporation (“Defendant”) and alleges as follows based on personal knowledge as to their own acts and on investigation conducted by counsel as to all other allegations:

**PARTIES**

1. Plaintiff Kim Reed is a citizen and resident of New York. Plaintiff purchased a Whirlpool 36-inch Wide Side-by-Side Refrigerator, model number WRS325SDHZ, on July 1, 2022, in the Bronx, New York at P.C. Richard.

2. Shortly after Plaintiff purchased her Whirlpool Refrigerator, the appliance stopped getting cold. At first, the issue was isolated to the refrigerator portion of the appliance and then soon after the freezer portion of her appliance also stopped maintaining its temperature as well. Further, the water dispenser rapidly

slowed down when dispensing water. Plaintiff contacted the store where she purchased the appliance, P.C. Richard and Whirlpool to fix her Refrigerator, but ultimately she required a new appliance, which cost approximately \$245.00. Plaintiff was without a refrigerator for 32 days and lost approximately \$730.00 in food as a result of her refrigerator breaking.

3. Defendant Whirlpool Corporation is a Delaware corporation with its principal place of business in Benton Harbor, Michigan.

### **JURISDICTION AND VENUE**

4. This Court has subject-matter jurisdiction pursuant to the Class Action Fairness Act, 28 U.S.C. § 1332(d) because (1) the matter in controversy exceeds the sum or value of \$5,000,000, exclusive of interest and costs, (2) the action is a class action, (3) there are members of the proposed Class who are diverse from Defendant, and (4) there are more than 100 proposed Class members.

5. This Court has general personal jurisdiction over Defendant because Defendant is a resident of this state.

6. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b)(1) because Defendant is a resident of this district.

## FACTUAL ALLEGATIONS

### **I. The Defect**

7. Defendant designs, manufactures, and sells consumer appliances throughout the United States, including certain refrigerators purchased by Plaintiff and Class members (“Refrigerators”) that suffer from a defect whereby the evaporator accumulates frost, fails to properly defrost, and thereby develops refrigerant leaks, resulting in the unit failing to properly cool (“Defect”).

8. Specifically, the thermistor in the Refrigerators is attached by a defective clip, which causes it to become loose and/or fall off due to its design defect. Once the thermistor is loose or becomes detached, the appliance will not sense the freezer temperature properly, causing the appliance to create excessive frost build-up and will ultimately reduce and/or cease to cool. The Defect is confirmed via a Technical Service Pointer, which Defendant released on September of 2021. Technical Service Pointer attached hereto as Exhibit A. Despite its demonstrated knowledge of the Defect, the Defendant continued to sell the appliances with the Defect to consumers.

9. The Refrigerators include, but are not limited to, model number  
ASI2175GRB; ASI2575GRS; KRSC700HPS01; KRSF705HPS01;  
MSS25C4MGZ; WRS311SDHW; WRS312SNHW; WRS315SDHW;  
WRS315SNHW; WRS321SDHZ; WRS325SDHZ; WRS335SDHB;

WRS555SIHV; WRS973CIHV01; ASI2175GRS; ASI2575GRW;  
KRSC703HBS01; MSS25C4MGB; WRS311SDHB; WRS311SDHZ;  
WRS315SDHB; WRS315SDHZ; WRS321SDHB; WRS325SDHB;  
WRS331SDHB; WRS335SDHM; WRS555SIHW; 973CIHZ01; ASI2175GRW;  
IRS335SDHM; KRSC703HPS01; MSS25C4MGK; MRS311SDHM;  
WRS312SNHB; WRS315SDHM; WRS315SNHB; WRS321SDHV;  
WRS325SDHV; WRS331SDHM; WRS335SDHW; WRS555SIHZ;  
WRSA15SNHN; ASI2575GRB; KRSC700HBS01; KRSC705HBS01;  
MSS25C4MGW; WRS311SDHT; WRS312SNHM; WRS315SDHT;  
WRS315SNHM; WRS312SDHW; WRS325SDHW; WRS331SDHW;  
WRS555SIHB; WRS970CIHZ01; and WRSA15SNHZ.

10. The Defect is inherent in the Refrigerators and was present at the time of sale.

11. Numerous complaints to online forums detail purchasers' experiences with the Defect.<sup>1</sup>

12. The Defect is material because it was not disclosed to purchasers and it substantially diminishes the value of the Refrigerators which was represented by Defendant.

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<sup>1</sup> <https://www.lowes.com/pd/Whirlpool-24-5-cu-ft-Side-by-Side-Refrigerator-with-Ice-Maker-Fingerprint-Resistant-Stainless-Steel/1000308681>

13. Had Plaintiff or Class members known about the Defect, they would have not purchased the Refrigerators or would have paid substantially less.

## **II. Defendant's Warranty and Representations**

14. Defendant represents that the Refrigerators are reliable, including the thermistor, the thermistor sensor, the thermistor sensor clip, and the defrost feature<sup>2</sup>:

Adaptive defrost automatically monitors the freezer environment and runs the cycle only when necessary.

15. Defendant also represents that the Refrigerators will be able to cool themselves and even that customers will have the capacity to control and customize the device temperatures.<sup>3</sup>

### **Electronic Temperature Controls**

Choose the ideal temperature for whatever foods you're storing with convenient, up-front controls.

...

### **Factory-Installed Icemaker**

Don't worry about refilling ice trays with this pre-installed icemaker that makes sure you always have plenty of ice on hand.

...

### **Adaptive Defrost**

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<sup>2</sup> <https://www.whirlpool.com/kitchen/refrigeration/refrigerators/side-by-side/p.36-inch-wide-side-by-side-refrigerator-25-cu.-ft.wrs325sdhz.html>

<sup>3</sup> <https://www.whirlpool.com/kitchen/refrigeration/refrigerators/side-by-side/p.36-inch-wide-side-by-side-refrigerator-25-cu.-ft.wrs325sdhz.html>

Adaptive defrost automatically monitors the freezer environment and runs the cycle only when necessary.

16. Defendant expressly warrants to end purchasers the Refrigerators for 1 year for defects in materials or workmanship under normal home use.<sup>4</sup>

17. Defendant impliedly warrants the merchantability of the Refrigerators.

18. Plaintiff and Class members reasonably understood the express and implied warranties to warrant against the Defect.

19. Defendant has not offered or provided an effective and lasting remedy for the Defect pursuant to the express or implied warranties.

20. Defendant has breached the express and implied warranties by refusing to remedy the Defect or compensate Plaintiff or Class members pursuant to the warranties.

21. The attempted remedies offered or provided by Defendant pursuant to the express and implied warranties have failed of their essential purposes because they are not effective and lasting remedies.

22. Plaintiff and Class members are entitled to a remedy that is not restricted by the terms of the express and implied warranties.

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<sup>4</sup> <https://pdf.lowes.com/productdocuments/5f2cb93c-f53c-4213-8cc3-f21edede3082/10797981.pdf>

23. Any limitation or exclusion of damages under the express and implied warranties is unconscionable and unenforceable because operation of the limitation or exclusion would deny Plaintiff and Class members an effective remedy and would be grossly unfair and unforeseeable.

### **III. Defendant's Knowledge, Concealment, Omissions, and Misrepresentations About the Defect**

24. Defendant performed extensive pre-sale testing of the Refrigerators, including stress and endurance testing, during which they discovered or should have discovered the Defect.

25. Defendant obtained numerous pre-release reviews of the Refrigerators before they entered the market, from which they discovered or should have discovered the Defect.

26. Defendant actively monitors reviews<sup>5</sup> and complaints made by consumers to its own website, from which it discovered or should have discovered the Defect. For reference, many such reviews beginning as long as five years ago can be found below.

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<sup>5</sup> <https://www.whirlpool.com/kitchen/refrigeration/refrigerators/side-by-side/p.36-inch-wide-side-by-side-refrigerator-25-cu.-ft.wrs325sdhz.html>

27. Defendant also actively monitors reviews and complaints made on websites of Defendant's partnered retailers such as Lowes,<sup>6</sup> Home Depot,<sup>7</sup> Best Buy,<sup>8</sup> and Costco<sup>9</sup> from which it discovered or should have discovered the Defect. For reference, many such reviews starting as early as five years ago can be found below and in Exhibit B.

**a. Complaints and Reviews left on Defendant's own Website:**

BB055  
Riverside  
Review 1  
Votes 0

★☆☆☆☆ · 5 years ago

**does not cool, repaired two times.**

this is a terrible refrigerator. Bought from Lowes does not cool the refrigerator side, the fan that moves the cold air from the freezer side to the refrigerator side cannot move the air. Our refrigerator was repaired twice and still the same problem, Ive never owned an appliance with this many repairs - I was told it was a design or factory flaw. also the temp settings are confusing as it goes plus or minus (so more cold or less temp ?) so confusing.

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

**Social Care Team** · 5 years ago

Thank you for your review.  
We are sorry to learn of the concern you expressed regarding your refrigerator. We would like to inquire further about your review with you. Please respond back to this email address [Whirlpool\\_Reviews@Whirlpool.com](mailto:Whirlpool_Reviews@Whirlpool.com) with your name, user ID#207346285 used for the review, phone number, street address, zip code, model & serial number, and date of purchase on the appliance. We look forward to your reply. Thank you.

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<sup>6</sup> <https://www.lowes.com/pd/Whirlpool-24-5-cu-ft-Side-by-Side-Refrigerator-with-Ice-Maker-Fingerprint-Resistant-Stainless-Steel/1000308681>

<sup>7</sup> <https://www.homedepot.com/p/Whirlpool-24-6-cu-ft-Side-by-Side-Refrigerator-in-Fingerprint-Resistant-Stainless-Steel-WRS325SDHZ/302785353>

<sup>8</sup> <https://www.bestbuy.com/site/whirlpool-24-6-cu-ft-side-by-side-refrigerator-stainless-steel/5991300.p?skuId=5991300>

<sup>9</sup> <https://www.costco.com/whirlpool-25-cu.-ft.-large-side-by-side-refrigerator-with-deli-drawer.product.100382852.html>



Want new fridge to work  
Fort Lauderdale  
Review 1  
Vote 1

★☆☆☆☆ · 5 years ago

**not even a full month of use**

I purchased this Fridge for a new house on 5/11/2018. When i moved into the home i noticed the freezer had ice around the door. I thought the door was left open, since i had not been in the home for a week. about a week later i noticed my food was not cold and milk spoiling. Then i opened the freezer and my food was defrosting. I called Best Buy, where i purchased,. They told me to call Whirlpool, who sent out a 3rd party appliance company. I was told that the thermostat control sensor was bad. Today i received a call that the part is not in stock, and it will be a 2 week wait hopefully, and to buy ice to keep my food cold. If i'm on the edgell

Recommends this product X No

Helpful? Yes - 1 No - 0 Report

**Response from Whirlpool:**

Social Care Team · 5 years ago

Thank you for your review.  
We would like to inquire further about your review with you. Please respond back to this email address, Whirlpool\_Reviews@Whirlpool.com, with your name, Review ID Number 208250367, phone number, street address zip code, model & serial number and date of purchase on the appliances.  
We look forward to your reply

ElvaStev  
Alabama  
Review 1  
Votes 0

★☆☆☆☆ · 5 years ago

**Terrible refrigerator for me**

I bought this refrigerator 4 months ago and had it in my home less than a month before it broke. I had someone come to fix it after waiting to get an appointment for over a week. Then the repair person had to order parts and that took 2 more weeks to get. After the new parts were put in about 3 weeks later it broke again and the whole process started all over again. It couldn't be fixed and so I'm in the process of getting a different one. That's going to take another 7- 14 days to get. I would not recommend this refrigerator! It has been a nightmare to have in my home. I couldn't have ice or keep food in it for most of the time I have had it. Maybe I just got a bad one, but all I have to go on is my experience!

Recommends this product X No

Helpful? Yes - 0 No - 0 Report

**Response from Whirlpool:**

Social Care Team · 5 years ago

Thank you for your review. We are sorry to hear you were in need of a repair for your refrigerator. We are glad to hear your warranty was able to assist you in covering your repair for your refrigerator. If you are in need of any other assistance after your repair, feel free to email us at Whirlpool\_Reviews@Whirlpool.com with your name, Review ID Number 208387687, address, phone number, model/serial number and a brief description of what you are experiencing.

Wonchunglim  
Seminole, TX  
Review 1  
Votes 0

★☆☆☆☆ · 5 years ago

**Badly!!!**

It's broken after 3 months. The service takes a while. I never use Whirlpool any more.

I received a sweepstakes entry for this review. Yes


Recommends this product ✓ Yes

Helpful? Yes - 0 No - 0 Report

**Response from Whirlpool:**

Social Care · 5 years ago

Wonchunglim, we're sorry to hear this. We would like to discuss this further with you. Please email us at Whirlpool\_Reviews@Whirlpool.com at your earliest convenience with your user id 208904969, name, address, a phone number and best time to reach you along with your model and serial number.

 Incentivized Review

JJLe  
Elizabeth, Pa  
Review 1  
Votes 0

★★★★★ · 5 years ago

**Lasted one week!**

Like the title says it lasted one week. Was getting things out this morning to make lunches, things seemed warm, looked down by the freezer door nothing but water. Also every time you closed the fridge door made a popping sound. Not very happy.

Recommends this product X No

Helpful? Yes - 0 No - 0 Report

**Response from Whirlpool:**

Social Care Team · 5 years ago

Thank you for your review.  
We would like to inquire further about your review with you. Please respond back to this email address, Whirlpool\_Reviews@Whirlpool.com, with your name, Review ID Number 208963840, phone number, street address zip code, model & serial number and date of purchase on the appliances.  
We look forward to your reply.

BillC2455  
Review 1  
Votes 0

★★★★★ · 4 years ago

🎁 Incentivized Review

**Quit working after 3 weeks**

Very dissapointed after refridgerator quit working

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes - 0 No - 0 Report

**Response from Whirlpool:**

social care · 4 years ago

Hi BillC2455, we're very sorry for the problem with the Refrigerator and we'd be glad to look into the problem with you. We ask that you email us at Whirlpool\_Digital@Whirlpool.com with the model and serial number as well as your contact information and the Review ID. We also ask that you provide us with a brief description of the problem. Thank you for the review!

OB 98  
Miami Fl  
Review 1  
Votes 0

★★★★★ · 4 years ago

**Nice features**

Bought this refrigerator 2 months ago at Home Depot. Last week it stopped making ice and food began to spoil. Couldn't get a technician here until today.The Sealed System has failed. This is the worst possible failure in your refrigerator. It means all the Freon has been making out. Clearly there is a serious problem with this unit. Whirlpool refuses to exchange this 2 month-old-lemon for a new refrigerator. Instead they will repair it and give me \$100 for spoiled food!! Buyer beware! Whirlpool does not care about their customer.

Recommends this product X No

Helpful? Yes - 0 No - 0 Report


**Response from Whirlpool:**

Social Care Team · 4 years ago

Thank you for the review. To protect our consumers against the possibility of a defect in materials and/or workmanship at the time of manufacture, we provide a warranty with our products that states that we will repair or replace any part that proves to be defective within a specified period of time. The terms of this warranty are clearly stated in the Use and Care Guide for each appliance. It has been our experience that manufacturing defects will usually appear and be reported well within warranty, at which time repairs are made at no cost to our customers. We appreciate the feedback and will document it in the appropriate manner.

Cpaul  
San Tan Valley, Arizona  
Review 1  
Vote 1

★☆☆☆☆ · 4 years ago

 Incentivized Review

**Unhappy**

We can't get the temperature below 50 degrees in the fridge part and barely to 32 in the freezer. Having a repairman coming today and hopefully he can fix it.

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 1 No · 0 Report

**Response from Whirlpool:**

Social Care · 4 years ago

Thank you for your review.

We would like to inquire further about your review with you. Please respond back to this email address, Whirlpool\_Digital@Whirlpool.com with your name, Review ID number (211159011), phone number, street address, and model/serial. We look forward to your reply.

Thank you,  
Patrick  
Whirlpool Social Care

Miracle  
Houston  
Review 1  
Votes 25

★☆☆☆☆ · 4 years ago

**Broken 1st time delivered! A lemon after a lemon!**

After 10 months dealing with a Whirlpool fridge that only the freezer side works, after multiple services and off-work days, lots of spoiled food, finally this fridge was delivered to replace the old fridge.

We haven't finished appreciating the late-but-better-than-never rectification from Whirlpool as in sending a replacement, the newly delivered fridge probably worked for a couple of hours, then things went down hill from there. Food spoilage's water discharge was discovered inside and under the fridge, ice cream melted, soup broth was in a total liquid state in the FREEZER even.

It's also a pain to schedule for an appointment to fix the new broken fridge. They just schedule an appointment disregarding of your available times (we have to take off work multiple days in the past until now, months in progress with the old fridge and now the new fridge), and we miss it for several days. When the fridge is finally diagnosed, the repair man says it's the compressor that breaks. Almost a week without a fridge with lots of spoiled food, we frantically arrange to buy a replacement with lots of difficulties while waiting for this NEW delivered fridge to get repaired, until who knows when...

10 months is not long enough to get a working fridge? And no offer of compensation for the multiple times that the food gets spoiled! Multiple calls and pleads with no help. Very disappointing!

Whirlpool really makes an impression on us and our relatives, friends, and co-workers on its products' quality check with our lengthy journey with our appliance.

This is our first year warranty with the new home's appliances.

Laquitac  
Augusta, GA  
Review 1  
Votes 0

★☆☆☆☆ · 5 years ago

 Incent

**Bad control board**

After having my new refrigerator for only 2 weeks, I come home to water all over my floor. The water was leaking from the ice dispenser and the fridge was not cold. The technician stated the control board is bad.

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care · 5 years ago

Laquitac :

Thank you for your review.

We would like to inquire further about your review with you. Please respond back to this email address, Whirlpool\_Reviews@Whirlpool.com, with your name, your Review ID Number (205775174), phone number, street address, zip code, model & serial number, and date of purchase on the appliance.

We look forward to your reply.  
Thank you,  
Whirlpool® Social Care

Miracle  
Houston  
Review 1  
Votes 25

★★★★★ · 4 years ago

**Broken 1st time delivered! A lemon after a lemon!**

After 10 months dealing with a Whirlpool fridge that only the freezer side works, after multiple services and off-work days, lots of spoiled food, finally this fridge was delivered to replace the old fridge. We haven't finished appreciating the late-but better-than-never rectification from Whirlpool as in sending a replacement, the newly delivered fridge probably worked for a couple of hours, then things went down hill from there. Food spoilage's water discharge was discovered inside and under the fridge, ice cream melted, soup broth was in a total liquid state in the FREEZER even.

It's also a pain to schedule for an appointment to fix the new broken fridge. They just schedule an appointment disregarding of your available times (we have to take off work multiple days in the past until now, months in progress with the old fridge and now the new fridge), and we miss it for several days. When the fridge is finally diagnosed, the repair man says it's the compressor that breaks. Almost a week without a fridge with lots of spoiled food, we frantically arrange to buy a replacement with lots of difficulties while waiting for this NEW delivered fridge to get repaired, until who knows when...

10 months is not long enough to get a working fridge? And no offer of compensation for the multiple times that the food gets spoiled! Multiple calls and pleads with no help. Very disappointing!

Whirlpool really makes an impression on us and our relatives, friends, and co-workers on its products' quality check with our lengthy journey with our appliance.

This is our first year warranty with the new home's appliances.

Recommends this product X No



Helpful? Yes - 25 No - 2 Report

**Response from Whirlpool:**

Social Care Team · 4 years ago

Miracle:

Thank you for your review.

We are sorry to hear of the concern with your appliance. Please respond back to this email address [Whirlpool\\_Reviews@Whirlpool.com](mailto:Whirlpool_Reviews@Whirlpool.com) with your name, phone number, street address, zip code, model & serial number, and date of purchase on the appliance. Please also provide a description of your concerns and your Review ID.

We look forward to your reply.

Sadmom72  
Arkansas  
Review 1  
Votes 0

★★★★★ · 5 years ago

**Glad I get the old fridge!!! Stessful!**

I have had this less than a week. Took forever to start making ice. It is incredibly noisy amd makes popping noises when it does try and make it. The fan in the freezer is loud too.

Now the fridge is getting too warm! I turned it to 1 the coldest setting and it got even warmer! Called Home Depot. They said it was up to Whirlpool to fix it. The 2 repair places that Whirlpool uses have the worst reputations! I am very upset. I am a single Mom with and just wanted a new fridge with water and ice in the door for my son. I am so disappointed. I am shocked that this is a Whirlpool product. Home Depot will not return this and Whirlpool is going to make me try to fix this with the worst repairmen in my town.

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care Team · 5 years ago

Thank you for your review. We are sorry to hear you were in need of a repair for your refrigerator. We are glad to hear your warranty was able to assist you in covering your repair for your refrigerator. If you are in need of any other assistance after your repair, feel free to email us at [Whirlpool\\_Reviews@Whirlpool.com](mailto:Whirlpool_Reviews@Whirlpool.com) with your name, Reviewer ID: 208977202, address, phone number, model/serial number and a brief description of what you are experiencing.

Jenn0404  
San Antonio, TX  
Review 1  
Votes 2

★☆☆☆☆ · 4 years ago

**Horrible appliance, no customer service!!!**

Refrigerator lasted about 3 weeks (after receiving brand new). It stopped cooling and making ice , ice forms on the back wall inside of the freezer and will not go below 23, the refrigerator side will not go below 43 degrees on lowest setting. Whirlpool's authorized repair company took 2 delayed shipments, 3 visits and 4 weeks to finally get it fixed (replaced 3 different parts and we had to buy a small refrigerator to put in our garage). Three weeks later, here we are again. Same issue. I had to throw away all the food twice now (over \$400 worth of food). Contacted authorized repair company, took almost a week to get them to come and check it out. We're now having to wait another 8 days to have the same parts replaced. Called Whirlpool directly and they're not willing to do anything as "replacing the parts are our best option"! Oh, and we were told that we could PAY to have the part overnighted if we'd like it to get here sooner! Are you serious?!?! I've never in my life had an appliance that was so faulty or had such horrible customer service. If it had been up to me I'd have never bought the refrigerator in the first place (We bought a new house and the builder provided the appliances) as the ice/water dispenser is the stupidest design I've ever seen. The ice dispenser is directly behind the water dispenser which means we're consistently tripping the water dispenser to get to the ice where it then goes all over the floor and all over your clothing (it also runs extremely loud). Another thing to mention is that one of the repair techs commented on the engineering on the back of the appliance while repairing it, saying that it was the most nonsensical configuration of parts he'd ever seen and that it was like they were trying to make it as difficult to fix as possible! I strongly recommend that you do not purchase anything from Whirlpool. We're currently looking into selling all of our current Whirlpool appliances (Stove, microwave and refrigerator) and buying another brand altogether. I'm giving one star as there is no lower rating!

Recommends this product  No

Helpful?

**Response from Whirlpool:**

Social Care · 4 years ago

Dear Jenn0404.

Thank you for your review.


We are sorry to learn of the concern you expressed regarding your Whirlpool® Refrigerator. We would like to inquire further about your review with you. Please respond back to this email address [Whirlpool\\_Reviews@Whirlpool.com](mailto:Whirlpool_Reviews@Whirlpool.com) with your name, user ID# 210915238 used for the review, phone number, street address, zip code, model & serial number, and date of purchase on the appliance. We look forward to your reply. Thank you.

Amanda

Really Unhappy  
AZ  
Review 1  
Votes 0

★☆☆☆☆ · 4 years ago

**Not impressed**

 Incentivized Review

We made a mistake should've bought the LG. It is noisy and is either too cols or not cold enough

I received a sweepstakes entry for this review. Yes

Recommends this product  No

Helpful?

**Response from Whirlpool:**

Social Care Team · 4 years ago

Thank you for your review. We would like to inquire further about your review with you. Please respond back to this email address, [Whirlpool\\_Reviews@Whirlpool.com](mailto:Whirlpool_Reviews@Whirlpool.com), with your name, Review ID Number 216100855, phone number, street address, model/serial number and date of purchase on the appliance so we can best assist.

We look forward to your reply.

Thank you,  
Whirlpool® Social Media Relations

**pjoshi**  
Pleasanton, CA  
Review 1  
Votes 9

★☆☆☆☆ · 4 years ago

**This Fridge is a dud! Stay away**

We bought this refrigerator in March believing this product comes from a reputed company. It stopped cooling and making ice in June. Ice forms on the back wall and inside of the freezer and it does not auto defrost. Whirlpool's authorized repair company Payless Appliance changed different parts 2 times and still, the same problem persists. I had to throw away all the food 3 times and maybe now 4th time as the refrigerator has stopped working again. Do not know who to contact in this faceless company customer service. I never in my life had an appliance that was so faulty. I recommend strongly do not purchase anything from Whirlpool get from other reputed company in the market. I am giving one star as there is no lower rating!

Recommends this product X No



Helpful? Yes · 9 No · 1 Report

**Response from Whirlpool:**

**social care team** · 4 years ago

We're very sorry to learn of your concerns regarding your refrigerator. I would like to inquire further about your review with you. Please respond back to this email address NAR\_Customer\_Solutions@kitchenaid.com with your Reviewer ID 210768169, name, phone number, street address, zip code, model & serial number, and date of purchase on the appliance.

**barr48**  
GA  
Review 1  
Votes 0

★☆☆☆☆ · 4 years ago

**Fridge side too warm**

Can't get fridge side below 40, no matter how freeze door control panel temp settings are set. Water from door dispenser not cold. May have to do charge back and return unit. Big inconvenience for us.

Recommends this product X No

Helpful? Yes · 0 No · 0 Report


**Response from Whirlpool:**

**Social Care Team** · 4 years ago

Dear barr48,  
Thank you for your review.  
We are sorry to hear of your Refrigerator concerns. We would like to inquire further about your review with you. If you have not had your issue resolved, please email us at Whirlpool\_Digital@Whirlpool.com at your earliest convenience with your username barr48, Review ID number 215473817, a copy of the review, your name, address, a phone number, model and serial number, and date and purchase. Also please let us know if you have any extended service plan. We look forward to your reply. Thank you.

J Faust  
Harahan, LA  
Review 1  
Votes 0

★★★★☆ · 4 years ago

 Incentivized Review

**Lemon?**

Within two weeks the fridge side stopped cooling (bad thermistor).

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care · 4 years ago

J Faust :

Thank you for your review.


We would like to inquire further about your review with you. Please respond back to this email address, Whirlpool\_Reviews@whirlpool, with your name, Review ID #214115137 phone number, street address, zip code, model & serial number, and date of purchase on the appliance.

We look forward to your reply.

Thank you,  
Shawn  
Whirlpool Social Care

Buy Ig  
Southbury ct  
Review 1  
Votes 0

★☆☆☆☆ · 4 years ago

 Incentivized Review

**Problem with new refrigerator**

I had this refrigerator delivered on 11/15. Less than one month later it has already failed. Refrigerator not cool, freezer coil frozen over. Was told by salesperson at pc richard to use hair dryer to melt freezer ice and damaged the plastic on the inside of the freezer. Had to escalate to get a repairman scheduled for tomorrow. Not happy with refrigerator or response from pc richard sales department. Will cut pc richard service department some slack if they follow through on their commitment to send repair tech tomorrow as promised. However will not buy from them again, and will not buy another whirlpool appliance. Unacceptable that a new appliance fails in less than 30 days.

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 0 No · 1 Report

**Response from Whirlpool:**

social care · 4 years ago

Dear User Buy Ig

Thank you for your review.

We would like to inquire further about your review with you. Please respond back to this email address Whirlpool\_Reviews@Whirlpool.com with your Reviewer ID # 213159379, name, phone number, street address, zip code, model & serial number, and date of purchase on the appliance.

Thank you,  
Whirlpool Social Care

**mikebech**  
Colorado  
Review 1  
Votes 0

★☆☆☆☆ · 4 years ago  
**Fridge Side Too Warm**

I am having the same issue as the other reviewers here. I bought this refrigerator in late March 2019 and after a month, noticed that the food in my fridge side was going bad after a short time. I thought it was strange and lowered the temperature setting for the fridge side to the next lowest setting (factory default is 3 bars). Food still going bad, so bought a thermometer and the temperature is at 45 degrees!!! Lowered the temp. setting to lowest setting it will go to and the fridge side is still at 45 degrees. I have not had any issues with Whirlpool customer service like some of the other reviewers and they have been very polite and helpful - they sent a repairman out next day and a new control board ordered. It will be replaced next week when it comes in - hoping it fixes the issue as I've spent well over a \$100 dollars replacing spoiled food. I must also admit that this refrigerator is a bit loud and makes loud popping noises when the ice maker is making ice. Also, ice gets trapped in the access lid to the ice bucket and drops on the floor when the freezer is opened. Plus the doors are out of alignment. I'm a bit surprised as I've always considered Whirlpool to be a quality brand...

Recommends this product X No


Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

**Social Care** · 4 years ago  
Hey mikebech, we value your time and would like to look into the concerns with your refrigerator. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa/> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

**Houstonelliott**  
Houston  
Review 1  
Vote 1

★☆☆☆☆ · 4 years ago  
**Broke within a month**

 Incentivized Review

We bought this fridge a month ago and it already has problems. It stopped cooling and spoiled our food. Whirlpool sent someone to fix it, but they had to order parts, so we have been without a working fridge for 2 weeks...half of the time we have owned it. It is frustrating to pay \$1,000+ for an appliance for it to not work less than 30 days of owning it.

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 1 No · 0 Report

**Response from Whirlpool:**

**social care** · 4 years ago  
Hi Houstonelliott, we're very sorry to hear about the problem with the Refrigerator as well as the frustration with the repair. We'd be glad to look into it with you. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa/> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

**Jenny2000**  
South Carolina  
Review 1  
Votes 0

★☆☆☆☆ · 4 years ago  
**I waste my money**

I got this March 2018 then after 9 months the lift stop working so I went ahead and changed the bulb but still didn't work. After 1 year or less the fridge and the freezer is not as cold as it used too, my food gets mold in the fridge sometimes. Can't afford to buy a new fridge.

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

**social care** · 4 years ago  
Hi Jenny2000, we're sorry to hear about the problem with the Refrigerator and Freezer and we'd be glad to look into it with you. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa/> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.



Shauna3

Florida

Review 1

Votes 0

★☆☆☆☆ · 3 years ago

**Awful fridge**

We bought this fridge one year ago and it is a piece of junk. It has never cooled properly and the display just randomly changes settings even when no one has touched it. Right before our one year manufacturer warranty was done, the whole fridge went out and stopped cooling.... the repair man came out 3x and kept telling us it was fixed but it kept going out and we lost soooooo much food and money each time. Finally after many battles and endless conversations and emails, they agreed to replace this lemon and then they offered us the same exact fridge again! No thank you. This fridge is a piece of junk and should be recalled. The repair guy said all the components were made improperly and said of had "total system failure".

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care · 3 years ago

Hi Shauna3,

Thank you for your review.

We are terribly sorry to hear about the frustrations that you have experienced regarding your Whirlpool® Refrigerator. We will be sure to document your comments in our records. If you have any questions regarding your file, please reach out to the Specialty Team that is handling your concern.

Sincerely,

Amanda B

Lisa519519

CA

Review 1

Votes 0

★☆☆☆☆ · 3 years ago

🎁 Incentivized Review

**it is a lemon, bad refrigerate!**

I bought this on September 15, and waiting for one week to deliver to my home, after 24 hours plug in, the freezer is full of ice, so I think it works good, I start to storage foods into both side--freezer and the refrigerator, but two days later, my food in the refrigerator are all rotted, OMG, I check it carefully, I notice that the refrigerator is not working at all, OMG, OMG,If I bought it as a brand new one, but they deliver the not working one to me I call Whirlpool, they said will send a technician to fix it, then i wait for another week for the technician came and he said the fan is not working, and need to replace it and will let me know when the parts come, and now it is October 10, the parts still not coming, and I still waiting, waiting... I don't how long I have to wait.I spent a thousand dollars just for a non working refrigerator !! What a bad experience!!!

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care · 3 years ago

Hey Lisa519519, we value your time and would like to look into the concerns with your appliance. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

Anonymous

Fuquay, NC

Review 1

Votes 0

★☆☆☆☆ · 3 years ago

### Do Not Buy!

Let me just start by saying I have never in my life experience such a horrible product and customer service! I ordered this fridge in July through Home Depot and it has been nothing but a nightmare! The delivery was an inconvenience. I am currently on my 3rd broken fridge! This refrigerator does not get or stay cold. Thermometer reads 75 degrees. Whirlpool just doesn't seem to be surprised about this or care. I have been through this 3 times with them. At this point I deserve the best fridge they have and for FREE! I've been living out of coolers for almost 2 months now with two small children and it isn't right. If this was any other company I would of been taken care of but whirlpool just keeps sending the same broken model. I am SO DONE!

Recommends this product  No

Helpful?

### Response from Whirlpool:

**Social Care** · 3 years ago

Hey Danielle Melo, we value your time and would like to look into the concerns with your Refrigerator. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

beautifulcrazy89

Springfield,mo

Review 1

Votes 0

★☆☆☆☆ · 3 years ago

### Terrible Product!!!

Purchased this fridge in April 2019, since than have had cooling issues as well as the ice machine. Have had to make 19 phone calls to Whirlpool and Service provider and 5 service calls to have nothing fixed. Terrible fridge, even more terrible customer service.

Recommends this product  No

Helpful?

### Response from Whirlpool:

**Social Care** · 3 years ago

Hey beautifulcrazy89, we value your time and would like to look into the concerns with your Refrigerator. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

kessinba  
Valparaiso, IN  
Review 1  
Votes 0

★☆☆☆☆ · 5 years ago

**Fridge is to warm**

We have had this one month. The first week I had to call for a service technician to come, because the fridge is to warm. It was set to 3 bars on temp that was to warm. So I lowered it to 2 still to warm, lowered it to 1 bar still to warm. The temp in the fridge is 42 deg. at the coldest temp setting. It should be 37 deg. all the time. The tech replaced the door seal on the freezer and that did not make a difference.

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care · 5 years ago

Dear kessinba.

Thank you for your review.

We are sorry to learn of the concern you expressed regarding your Whirlpool® Refrigerator. We would like to inquire further about your review with you. Please respond back to this email address Whirlpool\_Reviews@Whirlpool.com with your name, user ID# 209532288 used for the review, phone number, street address, zip code, model & serial number, and date of purchase on the appliance. We look forward to your reply. Thank you.

Amanda

Whirlpool Social Care

tchagas  
Whitehouse Station, NJ  
Review 1  
Votes 0

★☆☆☆☆ · 3 years ago

🎁 Incentivized Review

**Absolutely Disappointed: Failed in 3 days.**

I am absolutely disappointing. I have used my brand new fridge for 3 days and all my food defrosted. I lost everything. After calling whirlpool for 5 times and having two visits I am waiting for 1 week without a working fridge to have some parts changed. In times like this where i have my entire family isolated in home, they have not showed any consideration and not willing to quickly respond and exchange the whole fridge, saying this is their policy.

I would definitely not buy another one.

I received a sweepstakes entry for this review. Yes

Recommends this product X No

Helpful? Yes · 0 No · 0 Report

**Response from Whirlpool:**

Social Care Team · 3 years ago

Hey tchagas, we value your time and would like to look into the concerns with your appliance. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

Claudiaa  
Spicewood, TX  
Review 1  
Votes 0

★☆☆☆☆ · 3 years ago

**DON'T BUY!!!!!!!!!!**

I bought this fridge December 2019, in January 2020 fridge it stop cooling. I called Whirlpool and took a about a week for someone to come check it out. Then another week or two to come back and fix it. Fridge was fixed and working. Now it is March 2020 and this fridge is not cooling properly AGAIN. Unable to return it or get it swap by another fridge. Most likely this fridge will be causing issues in the future. Really regret getting this fridge and should of just kept my old one. Second time wasting money on groceries that end up going bad due to the fridge not working. End to top of off another high electric bill because of this fridge not working correct.

Recommends this product X No



Helpful? Yes - 0 No - 0 Report

**Response from Whirlpool:**

Social Care · 3 years ago

Hey Claudiaa, we value your time and would like to look into the concerns with your Whirlpool® Refrigerator. Please reach out to us directly at 1-800-253-1301, via Facebook <https://www.facebook.com/whirlpoolusa/> or Twitter @WhirlpoolCare. We're looking forward to hearing from you.

**b. Complaints and Review left on Partnered Retailer Lowes' Website:**

**Nice but fridge will not cool to safe temperature**

★★★★☆ X Would Not Recommend

Very nice refrigerator and runs quietly. The freezer works well but the refrigerator will not cool down to a safe temperature for food. I maxed out the cold temperature control and after 2 days with the fridge cycling it never achieved a safe temperature for food. This one goes back and I will never but a Whirlpool again.

👍 (0) | 🗨️ (0) | 🚩 Report

**John RedCorn**

January 30, 2023

Verified Purchaser

**Not cooling properly**

☆☆☆☆☆ X Would Not Recommend

[This review was collected as part of a promotion.] Bought a few months ago and not cooling properly. Bought warranty and was stood up for scheduled appointment which is taking about another 2 weeks during the holiday and had to throw away food. Was offered a loaner and no deliveries were being done due to holiday.

(1)

**Anita**

November 30, 2022

From whirlpool.com

**Brand new, not cooling**

☆☆☆☆☆ X Would Not Recommend

Brand new out of the box, instructions followed. It wont cool or freeze.....wish I read the reviews. I notice it dripping already from the water dispenser....what did I get myself into 3 Days old!!!!!!

(1)

**avloh77**

November 26, 2022

From whirlpool.com

**Stopped cooling**

☆☆☆☆☆ X Would Not Recommend

Refrigerator stopped cooling this month November 2022 Looks to be the compressor

(0) | (0) | (1) | Report

**Patrickvanclan**

November 8, 2022

Verified Purchaser

**It will not go below 40 to42 degrees it's on setti**

☆☆☆☆☆

[This review was collected as part of a promotion.] I am not happy with the cooling of the refrigerator the freezer is fine

**Jim bob**

July 31, 2022

From whirlpool.com

### Cool to not so cool



X Would Not Recommend

[This review was collected as part of a promotion.] I bought this I. September 2021. I am sitting waiting for a part to be found so it may one day cool again.

Durdie

June 11, 2022

From whirlpool.com

### DONT BUY!



X Would Not Recommend

DO NOT BUY WHIRLPOOL!!!! I purchased a brand new Whirlpool 36" side by side refrigerator on 10/17/2021. The refrigerator main engine/condenser/cooling unit died after 6 months, No replacement parts are available. Whirlpool service absolutely sucks. I've been without a refrigerator for 7 weeks now with no resolution. I bet their management doesn't even buy their own products. Try going 7 weeks without a fridge with a family of 5! No help to get this replaced. This is completely unacceptable. I will never buy another whirlpool appliance again as I am extremely disappointed and frustrated with the lack of service & timely problem resolution with a paying customer. (I spent over \$1,800.00), and they dont seem to care.

steve

March 30, 2022

[- Read Less](#)

### Cool but noisy



✓ Would Recommend

[This review was collected as part of a promotion.] I bought this refrigerator about 1.5 years ago. It worked great until recently when it stopped **cooling** & we lost all of our food.

Victor33

June 10, 2021

From whirlpool.com

### Freezer unit failed after one year of use only



X Would Not Recommend

I unfortunately do not recommend this product. The freezer unit failed after 1 year and 1 month of use. Secondly, the 5 year protection plan has a process that requires you to be in long queues for requesting service, especially if the appliance is past one year manufacturer's warranty, with multiple steps to proving your warranty with Lowes, each of those with long wait times on the phone. To be short, the product is a huge disappointment and the Lowes Protection Plan is not a user friendly process either.

SpeakingOut

March 30, 2021

From [24.5-cu ft Side-by-Side Refrigerator with Ice Maker \(Black\)](#)

[- Read Less](#)

**Slow and low cooling**



X Would Not Recommend

[This review was collected as part of a promotion.] Took over a week to reach adequate cooling temperature even on highest settings. Ice cream would not stay frozen and refrigerator temperature drops even when full if door is opened for even a short time when full or not. Also, shelves are not adjustable.

**Bob101**

February 24, 2021

From whirlpool.com

**Listen to all comments previously**



X Would Not Recommend

Purchased 5 weeks before this comment The refrigerator temperature will not go below 44 degrees. This fridge is the most beautiful piece of crap you will ever purchase . It organizes like no other . The freezer will act like a deep freezate if you set it low enough. It really does everything you want it to, except keep food at a safe temperature in the refrigerator section. Loud ice maker when water is filling -This comment is true, but that didn't matter to me. Sticker placed directly on stainless panel for customer to remove - This comment is also true. So ridiculous, it caused a stain on the panel not removable.

**Disappointed**

December 11, 2020

From [24.5-cu ft Side-by-Side Refrigerator with Ice Maker \(White\)](#)



Verified Purchaser

### Many problems for a new fridge

☆☆☆☆☆ X Would Not Recommend

I have been battling with this model for almost a year now trying to get it to run properly. The motor will just not stop running causing an infinite amount of frost to build on the evaporator coils. A tech came and 'fixed' the problem, only for the same issue to start again a couple of months later. I decided to troubleshoot myself, watching hours and hours of youtube videos, reading user manuals, and consulting forums. After using a multimeter to test the equipment the only conclusion I could come up with is a bad thermistor. I replaced the part but to no avail. There is something seriously wrong with this model. I have tried everything except replacing the control board and re-wiring the entire unit. I have purchased another Whirlpool cheaper model (the only units menards had were whirlpools otherwise no way I would have bought one) for my garage so my food doesnt go bad while I try to figure this out. Now that model isn't freezing properly and I have to get a tech out to look at it. I will never buy a whirlpool again.

[- Read Less](#)

Frustrated!!

April 17, 2020

From whirlpool.com

### Poor Refrigerator and Poor Customer Service!!

☆☆☆☆☆ X Would Not Recommend

I bought this Whirlpool refrigerator on 12/1/18. I wish I could give a zero star rating, but unfortunately I am forced to give one star. Over the past few months we have been having issues with storing meat in the bottom drawer and vegetables were also going bad in the drawers. After getting tired of losing hundreds of dollars with moldy vegetables and rotten meat I decided to buy a few refrigerator thermometers to see what the temperature really was on the coldest refrigerator setting. We quickly realized that the fridge was malfunctioning as the fridge was operating at fluctuating temperatures above 42 degrees. I contacted Lowe's and spoke with the store manager and was quickly sent to Whirlpool Customer Service since the product was beyond the return and refund time-frame. I was optimistic that I would get a good experience but was sorely underwhelmed by the service that I received. After calling Whirlpool and scheduling a service the first time, my wife was told that the lint was building up in the bottom of a 5 month old refrigerator, so that was the cause of the faulty temperatures. After checking the fridge after 24 hours, the problem still existed. I attached photos of the thermometer in this review. I then called Whirlpool Customer Service a second time to schedule another service visit. This time I took a day off from work to meet the service technician. The technician walked in and looked at the thermometers that I installed and said that they would call Whirlpool Tech Service to confirm that 41 degrees - 42 degrees is an acceptable temperature in the drawers. I was told Whirlpool told the service technician "yes", so he left and said that if I had any further issues to call Whirlpool again. I asked multiple times that he at least take look at the back of the fridge and test to confirm that things are working properly and he said no and he left. I researched proper temperatures for food storage with USDA and found that food should be kept below 40 degrees for safe storage to avoid dangerous bacteria growth levels. I was told multiple times that the temperatures that I was seeing was adequate (41 degrees - 42 degrees) in the crisp drawers. But there are no designation on the bottom drawer of the refrigerator. We don't want to store raw meat on the top of vegetables and foods that don't require cooking as it is disgusting if the blood spills on other food. I requested Whirlpool provide me something in writing that those

Nelson6

June 10, 2019



blood spills on other food. I requested Whirlpool provide me something in writing that those temperatures are safe for food and they did not provide it to me. I was told that they would internally research it and that they would get back to me. Below is a quote from the USDA website that recommends food storage temperatures. If you search USDA food storage temperatures on Google you will find the following quote, "The temperature in a refrigerator should be 40 °F or below throughout the unit, so that any place is safe for storage of any food." I then called Whirlpool again as directed by the Service Technician to talk with three more people that refused to do anything but to send me another technician on another future day, which would require me to take another day off. This was unacceptable since a technician just left my house and refused to do anything more than call Whirlpool Tech Support. I begged that they send someone today since I already took the day off, but was refused as they said a service technician was not available. I was also told that there is a likelihood that if the temps were 42 degrees that I would be charged a service fee when the technician comes out. This outraged me as I felt that I am being taken advantage of. I feel stuck with a faulty refrigerator and nobody was willing to make this right. So I am here to share my experience everywhere that I can to warn other consumers. Please Beware!!!!!!

– Read Less



**Lemon?**



✕ Would Not Recommend

[This review was collected as part of a promotion.] Within two weeks the fridge side stopped **cooling** (bad thermistor).

💬 (1) |

**J Faust**

January 4, 2019

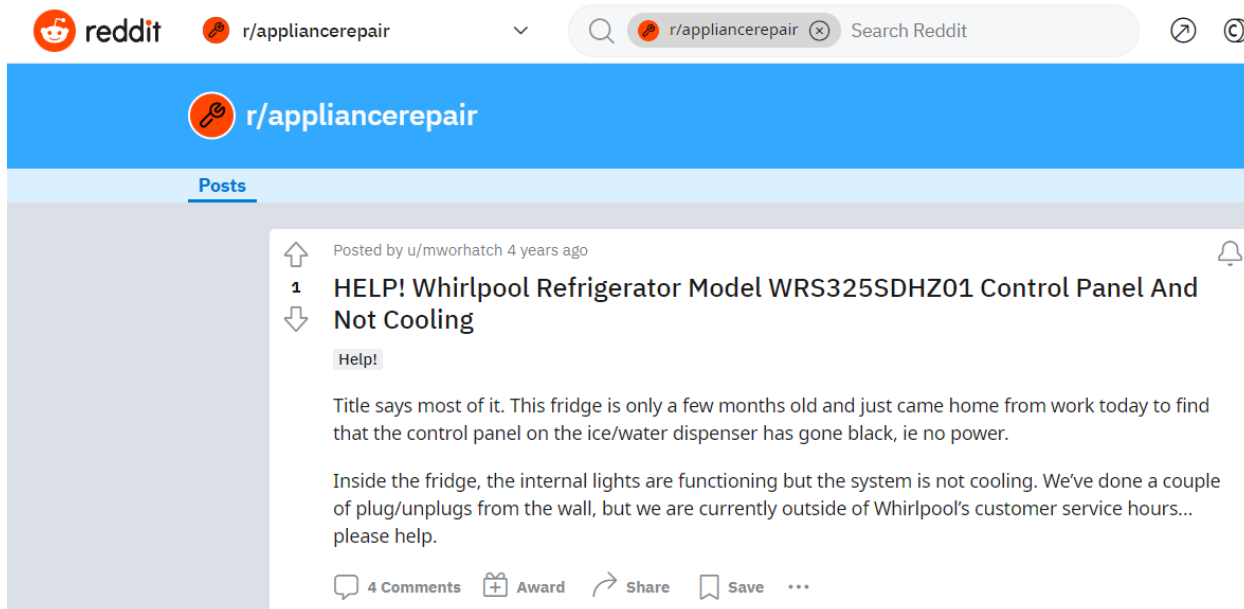
From whirlpool.com

28. Defendant also discovered or should have discovered the Defect from complaints made on third-party online forums. For example, a post<sup>10</sup> describing the Defect from the popular forum Reddit can be found below:

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10

[https://www.reddit.com/r/appliancerepair/comments/ckwzda/help\\_whirlpool\\_refrigerator\\_model\\_wrs325sdhz01/](https://www.reddit.com/r/appliancerepair/comments/ckwzda/help_whirlpool_refrigerator_model_wrs325sdhz01/)



29. The defendant’s product was reviewed by national news outlets. For example, USA Today’s Reviewed.com, which is said to conduct “unbiased, trustworthy, and lab-tested reviews,” published a publicly available article<sup>11</sup> in December 2017 reporting that the Whirlpool WRS325SDHZ side-by-side refrigerator “is too warm and dry for your fresh food” as shown below. In the tests conducted, it was revealed that the fresh food section “ran too warm, and the crispers didn’t retain their humidity.”

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<sup>11</sup> <https://reviewed.usatoday.com/refrigerators/content/whirlpool-wrs325sdhz-side-by-side-refrigerator>

APPLIANCES

REFRIGERATORS

Whirlpool WRS325SDHZ side-by-side refrigerator

# THIS SIDE-BY-SIDE FRIDGE IS TOO WARM AND DRY FOR YOUR FRESH FOOD



Written by [Cindy Bailen](#)

Tested by [Kyle Hamilton](#)

Updated December 4, 2017

30. Moreover, Defendant actively monitors, collects data, and analyzes maintenance and repairs of the Refrigerators by authorized servicers, from which it discovered or should have discovered the Defect.

31. Defendant knew of the Defect shortly after the Refrigerators entered the market due to consumers experiencing the Defect after purchasing the Refrigerators and reporting it to Defendant, authorized servicers, or online forums.

32. Further, Defendant's knowledge of the Defect is confirmed via a Technical Service Pointer distributed by the Defendant to authorized and prospective service companies and technicians in September of 2021, nearly ten months before Plaintiff purchased her Refrigerator. *See* Technical Service Pointer, Ex. A. This document warns technicians of the Defect and confirms that the defect is the cause of the Refrigerators not cooling.

33. Defendant was in a unique position to discover the Defect before the Refrigerators were sold and in fact knew of the Defect before it sold the Refrigerator to Plaintiff and Class Members.

34. Defendant had exclusive knowledge about the Defect before selling the Refrigerators.

35. Despite Defendant's knowledge of the Defect, Defendant continued its unfair and deceptive trade practices by denying and misrepresenting the Defect and continuing to offer the Refrigerators for sale without disclosing the Defect.

36. Defendant actively concealed the existence of the Defect after it became known to Defendant.

37. Defendant had a duty to disclose the existence of the Defect after it became known to Defendant but purposefully omitted its knowledge of the Defect when offering for sale and selling the Refrigerators.

38. Defendant misrepresented to purchasers that the Refrigerators were designed and manufactured properly and performed properly after the Defect became known to Defendant.

39. Defendant did not warn purchasers about the Defect either before or after purchasing the Refrigerators.

40. Plaintiff and Class members did not know and could not have discovered through reasonable investigation that the Defect existed or that

Defendant's representations about the Refrigerators were false, deceptive, or misleading.

41. Plaintiff and Class members reasonably relied on Defendant's misrepresentations when choosing to purchase the Refrigerators because Defendant was in the unique position of having designed and manufactured the Refrigerators to inform Plaintiff and Class members about the Refrigerators and whether any defects exist.

42. The Defect is material because reasonable consumers would consider it when determining whether to purchase the Refrigerators because, ultimately, Plaintiff and Class members purchased the Refrigerators to cool their food, which the appliances failed to do.

43. But for Defendant's omissions and/or misrepresentation concerning the Defect, Plaintiff and Class members would have either paid substantially less for the Refrigerators or would not have bought them at all.

44. Defendant engaged in deceptive and unfair acts and practices by concealing and misrepresenting the Defect when offering for sale and selling the Refrigerators, and Plaintiff and Class members were injured as a result.

45. On or before April 17, 2023, Plaintiff sent Defendant a notice letter, informing it of her intent to bring claims unless defendant remedied its misconduct.

### CLASS ALLEGATIONS

46. Plaintiff, individually and on behalf of all others similarly situated, brings this class action pursuant to Fed. R. Civ. P. 23.

47. The proposed Class is defined as follows:

**Nationwide Class:** All persons in the United States who purchased the Refrigerators.

48. Plaintiff also intends to seek certification of a New York Sub-Class consisting of:

**New York Sub-Class:** All persons in New York who purchased the Refrigerators.

49. The proposed Class excludes the following: Defendant, its affiliates, and its current and former employees, officers and directors, and the Judge assigned to this case.

50. Plaintiff reserves the right to modify, change, or expand the definition of the proposed Class based upon discovery and further investigation.

51. *Numerosity:* The proposed Class is so numerous that joinder of all members is impracticable. On information and belief, the Class includes many thousands of purchasers of refrigerators with the undisclosed Defect. The proposed Class is ascertainable by records in Defendant's possession.

52. *Commonality:* Questions of law or fact common to the proposed Class include, without limitation:

- a. Whether the Refrigerators are defective;
- b. Whether a reasonable consumer would consider the Defect to be material;
- c. Whether Defendant knew or should have known of the Defect;
- d. Whether Defendant failed to disclose the Defect;
- e. Whether Defendant concealed the Defect;
- f. Whether Defendant engaged in unfair or deceptive trade practices;
- g. Whether Defendant breached an express warranty;
- h. Whether Defendant breached an implied warranty;
- i. Whether Defendant engaged in fraud; and
- j. Whether Defendant was unjustly enriched.

53. *Typicality*: Plaintiff's claims are typical of the claims of proposed Class members. Plaintiff and proposed Class members were injured and suffered damages in substantially the same manner, have the same claims against Defendant relating to the same course of conduct, and are entitled to relief under the same legal theories.

54. *Adequacy*: Plaintiff will fairly and adequately protect the interests of the proposed Class and has no interests antagonistic to those of the proposed Class. Plaintiff has retained counsel experienced in the prosecution of complex class actions, including actions with issues, claims, and defenses similar to the present case.

55. *Predominance and superiority*: Questions of law or fact common to proposed Class members predominate over any questions affecting individual members. A class action is superior to other available methods for the fair and efficient adjudication of this case because individual joinder of all members of the proposed Class is impracticable and the amount at issue for each proposed Class member would not justify the cost of litigating individual claims. Should individual proposed Class members be required to bring separate actions, this Court would be confronted with a multiplicity of lawsuits burdening the court system while also creating the risk of inconsistent rulings and contradictory judgments. In contrast to proceeding on a case-by-case basis, in which inconsistent results will magnify the delay and expense to all parties and the court system, this class action presents far fewer management difficulties while providing unitary adjudication, economies of scale and comprehensive supervision by a single court. Plaintiff is unaware of any difficulties that are likely to be encountered in the management of this action that would preclude its maintenance as a class action.

56. Accordingly, this class action may be maintained pursuant to Fed. R. Civ. P. 23(b)(3).

57. Defendant has acted, and refused to act, on grounds generally applicable to the proposed Class, thereby making appropriate final equitable relief with respect to the proposed Class as a whole.



58. Accordingly, this class action may be maintained pursuant to Fed. R. Civ. P. 23(b)(2).

**CAUSES OF ACTION**

**COUNT I**

**BREACH OF EXPRESS WARRANTY**

**(on behalf of the Class and alternatively on behalf of the Subclass)**

59. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

60. Defendant's representations and written warranty are an express warranty within the meaning of U.C.C. § 2-313.

61. The Defect caused the Refrigerators to fail to conform to Defendant's representations that formed part of the basis of the bargain.

62. The warranty covers the Defect and any damage proximately caused by the Defect.

63. Defendant breached the warranty because Defendant is unwilling or unable to remedy the Defect within a reasonable time, and any attempt to remedy the Defect by Defendant has been ineffective.

64. Defendant's breach deprived Plaintiff and Class members of the benefit of the bargain.

65. Defendant's attempt to disclaim or limit the warranty is unconscionable and unenforceable under the circumstances here because:

A. Defendant knowingly sold a defective product without informing consumers about the Defect;

B. The time limits contained in Defendant's warranty period are unconscionable and inadequate to protect Plaintiff and members of the Class;

C. Plaintiff and Class Members had no meaningful choice in determining these time limitations, the terms of which unreasonably favor Defendant; and

D. A gross disparity in bargaining power existed between Defendant and purchasers of the Refrigerators.

66. The essential purpose of the warranty failed because Plaintiff and Class members are unable to reasonably obtain a workable remedy pursuant to the terms of the warranty, so Plaintiff and Class members are entitled to a remedy that is not limited by the terms of the warranty. U.C.C. § 2-719(2).

67. Plaintiff and Class members have complied with all obligations under the warranty or otherwise have been excused from performance of said obligations as a result of Defendant's conduct described herein.

68. As a direct and proximate result of Defendant's conduct, Plaintiff and Class members have been injured and sustained damages.

**COUNT II**

**COMMON LAW FRAUD BY OMISSION  
(on behalf of the Class and alternatively on behalf of the Subclass)**

69. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

70. Plaintiff asserts this claim on behalf of herself and the Class or, in the alternative, on behalf of the Subclass, against Defendant.

71. Defendant committed fraud by failing to disclose and actively concealing, at the point of sale and otherwise, the Defect.

72. Defendant was under a duty to Plaintiff and the Class Members to disclose the Defect because:

- a. Defendant was in a superior position to know about the existence, nature, cause, and results of the Defect;
- b. Plaintiff and Class Members could not reasonably have been expected to learn or discover the Defect; and
- c. Defendant knew that Plaintiff and Class Members could not reasonably have been expected to learn about or discover the Defect.
- d. Defendant made partial misleading representations about the Refrigerators.

73. The Defect and the facts concealed by Defendant are material because a reasonable consumer would have considered them to be important in deciding whether to purchase the Refrigerators or pay a lower price.

74. Defendant concealed or did not disclose the Defect in order to induce Plaintiff and the Class Members to purchase the Refrigerators at a substantially higher price than they otherwise would have paid.

75. Defendant's omissions were accompanied by the above-discussed affirmative representations that the Refrigerators could be reliably operated without failing.

76. Plaintiff and Class Members would not have purchased the Refrigerators if they knew of the Defect, or they would have only paid substantially less.

77. In purchasing the Refrigerators, Plaintiff and the Class Members relied on Defendant's representations and other statements regarding the refrigerators which failed to disclose the material fact of the known Defect. As a result of their reliance, Plaintiff and the other Class Members have been injured in an amount to be proven at trial, including, but not limited to, their lost benefit of the bargain and overpayment at the time of purchase and/or the diminished value of their Refrigerators. Meanwhile, Defendant has sold more Refrigerators than it otherwise could have and charged inflated prices for Refrigerators, unjustly enriching itself thereby.

78. As a direct and proximate result of Defendant's misrepresentations and/or omissions, Plaintiff and all members of the Class have been damaged in an amount to be proven at trial.

79. Defendant's acts and/or omissions were done wantonly, maliciously, oppressively, deliberately, with intent to defraud; in reckless disregard of the rights of Plaintiff and the Class; and to enrich itself. Defendant's misconduct warrants an assessment of punitive damages in an amount sufficient to punish defendant and deter such conduct in the future, which amount shall be determined according to proof at trial.

**COUNT III**  
**FRAUD**

**(on behalf of the Class and alternatively on behalf of the Subclass)**

80. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

81. Defendant represented to Plaintiff and Class members that the Refrigerators were reliable, merchantable, and in good repair.

82. The Defect caused the Refrigerators to fail to conform to the performance, durability, capability, and reliability that Defendant represented and were therefore of a substantially lesser quality and value than Defendant represented.

83. Defendant knew or should have known that the Refrigerators could not conform to their representations because of the Defect.

84. Defendant misrepresented, concealed, and omitted material information concerning the Defect.

85. The Defect and the facts misrepresented, concealed, and omitted by Defendant are material because a reasonable consumer would have considered them to be important in deciding whether to purchase the Refrigerators or pay a lower price.

86. Defendant misrepresented, concealed, and omitted material information concerning the Defect in order to induce Plaintiff and Class members to purchase the Refrigerators at a substantially higher price than what they would have paid.

87. Plaintiff and Class members reasonably and justifiably relied on Defendant's representations and advertisements when purchasing the Refrigerators.

88. Plaintiff and Class members would not have purchased the Refrigerators if they knew of the Defect, or they would have only paid substantially less.

89. As a direct and proximate result of Defendant's conduct, Plaintiff and Class members have been injured and sustained damages.

**COUNT IV**  
**UNJUST ENRICHMENT**

**(on behalf of the Class or alternatively on behalf of the Subclass)**

90. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

91. Defendant represented to Plaintiff and Class members that the Refrigerators were reliable, merchantable, and in good repair.

92. The Defect caused the Refrigerators to fail to conform to the performance, durability, capability, and reliability that Defendant represented and were therefore of a substantially lesser quality and value than Defendant represented.

93. Defendant knew or should have known that the Refrigerators could not conform to their representations because of the Defect.

94. Defendant misrepresented, concealed, and omitted material information concerning the Defect.

95. The Defect and the facts misrepresented, concealed, and omitted by Defendant are material because a reasonable consumer would have considered them to be important in deciding whether to purchase the Refrigerators or pay a lower price.

96. Defendant misrepresented, concealed, and omitted material information concerning the Defect in order to induce Plaintiff and Class members to purchase the Refrigerators at a substantially higher price than what they would have paid.

97. Plaintiff and Class members reasonably and justifiably relied on Defendant's representations and advertisements when purchasing the Refrigerators.

98. Plaintiff and Class members would not have purchased the Refrigerators if they knew of the Defect, or they would have only paid substantially less.

99. Plaintiff and Class members conferred substantial benefits on Defendant by purchasing defective Refrigerators at a premium without receiving a product that conformed to Defendant's representations.

100. Defendant knowingly and willingly accepted and enjoyed these benefits.

101. Defendant's retention of these benefits would be inequitable.

102. As a direct and proximate result of Defendant's conduct, Plaintiff and Class members have been injured and sustained damages.

**COUNT V**  
**VIOLATIONS OF NEW YORK GENERAL BUSINESS LAW**  
**N.Y. Gen. Bus. Law §§ 349, *et seq.***  
**(on behalf of the New York Sub-Class)**

103. Plaintiff hereby incorporates by reference all preceding paragraphs as though fully set forth herein.

104. Defendant represented to Plaintiff and the New York Subclass members that the Refrigerators were reliable, merchantable, and in good repair.

105. Defendant engaged in deceptive acts or practices in the conduct of its business, trade, and commerce or furnishing of services, in violation of N.Y. Gen. Bus. Law § 349, as described herein.



106. Defendant's representations and/or omissions were material because they were likely to deceive reasonable consumers.

107. Defendant acted intentionally, knowingly, and maliciously to violate New York's General Business Law, and recklessly disregarded Plaintiff's and the New York Subclass members' rights.

108. As a direct and proximate result of Defendant's deceptive acts and practices, Plaintiff and the New York Subclass members have suffered and will continue to suffer injury, ascertainable losses of money or property, and monetary and non-monetary damages, including from not receiving the benefit of their bargain in purchasing the Refrigerators.

109. Defendant's deceptive and unlawful acts and practices complained of herein affected the public interest and consumers at large, including the thousands of New Yorkers who purchased and/or used the Refrigerators.

110. The above deceptive and unlawful practices and acts by Defendant caused substantial injury to Plaintiff and the New York Subclass members that they could not reasonably avoid.

111. As a direct and proximate result of Defendant's conduct, Plaintiff and the New York Subclass members have been injured and sustained damages.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for a judgment as follows:

- a. An order certifying this action as a class action;
- b. An order appointing Plaintiff as Class Representative, and appointing undersigned counsel as Class Counsel to represent the Class;
- c. A declaration that Defendant is liable under each and every one of the above-enumerated causes of action;
- d. An order awarding compensatory damages, restitution, or refund of all funds acquired by Defendant from Plaintiff and Class members as a result of Defendant's unlawful conduct as described above, including actual, statutory, and punitive damages to the extent permitted by law in an amount to be proven at trial;
- e. An order awarding appropriate preliminary and final injunctive relief against the conduct of Defendant as described above;
- f. An award of attorneys' fees, expert witness fees, and costs, as provided by applicable law or as would be reasonable from any recovery of monies recovered for or benefits bestowed on the Class Members;
- g. Interest as provided by law, including but not limited to pre-judgment and post-judgment interest as provided by rule or statute; and
- h. Such other and further relief as this Court may deem just, equitable, or proper.

**JURY DEMAND**

Plaintiff demands trial by jury.

Dated: September 22, 2023

/s/ P. Bradford deLeeuw  
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\* *pro hac vice* admission to be sought