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21 **UNITED STATES DISTRICT COURT**

22 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

23 **BRANDON COVERT**, an individual;
24 **JENNIFER COVERT**, an individual;

25 **Plaintiffs,**

26 **v.**

27 **SAMSUNG ELECTRONICS AMERICA,**
28 **INC.**, a New York Corporation; and
SAMSUNG ELECTRONICS CO., LTD.,
a Foreign Corporation,

Defendants.

CASE NO.:

COMPLAINT FOR DAMAGES:

- (1) **STRICT LIABILITY – DESIGN & MANUFACTURING DEFECT**
- (2) **NEGLIGENCE**
- (3) **NEGLIGENCE – BYSTANDER CLAIM**
- (4) **BREACH OF IMPLIED WARRANTY**
- (5) **BREACH OF EXPRESS WARRANTY**

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

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1 Plaintiffs **BRANDON COVERT** (“**BRANDON**”) and **JENNIFER COVERT**
2 (“**JENNIFER**”) (collectively hereinafter, “**PLAINTIFFS**”) bring this action, by and through
3 their attorneys, for personal injuries. **PLAINTIFFS** hereby complain of the Defendants,
4 **SAMSUNG ELECTRONICS AMERICA, INC.** and **SAMSUNG ELECTRONICS CO.,**
5 **LTD.** (collectively hereinafter, “**SAMSUNG**” or “**DEFENDANTS**”), and each of them, as
6 follows:

7 **I. INTRODUCTION**

8 1. At approximately 2:00 a.m. on August 2, 2016, **BRANDON** was sound asleep
9 with his wife **JENNIFER** and their infant, seven month old daughter when a loud explosion,
10 resembling a gunshot, startled them awake. On their dresser, **BRANDON**’s Galaxy S6 Active
11 smartphone (the “S6 Active”) was on fire, shooting out flames four to five inches high, and
12 quickly filling the room with smoke. Panicked and fearing for the safety of his wife and child,
13 **BRANDON** tried to smother the S6 Active with a shirt to extinguish the fire, but the fire and
14 smoke continued to billow and a foamy, acidic-like substance began spewing from the phone.
15 **BRANDON** had no other option but to grab the on-fire and blazing hot S6 Active, run to the
16 kitchen sink, and drench the phone with water to extinguish the fire. What remained was a
17 contorted pile of metal, plastic, and glass, along with **BRANDON**’s melted flesh.



27 **Front of BRANDON**’s Galaxy S6 Active smartphone following explosion.

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Rear of BRANDON’s Galaxy S6 Active smartphone following explosion.

2. **SAMSUNG’s** directors, officers, and/or managing agents knew of Galaxy phones overheating, smoldering, catching on fire, and/or exploding prior to releasing the Galaxy S6 Active. Despite knowledge of the hazard to consumer safety, **SAMSUNG** failed to fix the problem, recall the phone, or alert consumers of the danger. Instead, **SAMSUNG** chose to conceal the problem from the public and release new generations of various Galaxy models under the guise that all problems were addressed and fixed with the new generation. **SAMSUNG** even marketed the Galaxy S6 Active as extremely durable and indestructible, despite knowing the foreseeable and predictable risk that the phone may overheat, flame and destruct from the inside presenting a risk of serious harm or injury to consumers.

3. As a direct and foreseeable consequence of the wrongful conduct, omissions and concealment of safety risks by **DEFENDANTS**, and each of them, **PLAINTIFFS** sustained serious physical and psychological injuries, as well as economic losses, as set forth below.

II. JURISDICTION AND VENUE

4. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a)(3). The matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States and citizens or subjects of a foreign state are additional parties. The Court also has supplemental jurisdiction pursuant to 28 U.S.C. § 1367(a).

1 5. This Court has personal jurisdiction over **PLAINTIFFS** because **PLAINTIFFS**
 2 reside in California, and submit to the Court's jurisdiction. This Court has personal jurisdiction
 3 over **SAMSUNG** because **SAMSUNG** has conducted and continues to conduct substantial
 4 business in California, and has sufficient minimum contacts with California in that: (1) Samsung
 5 Media Solutions Center America, a division of Samsung Electronics America, Inc., is based out
 6 of *Mountain View, California*; (2) Samsung Strategy and Innovation Center, a global
 7 organization within Samsung's Device Solutions division, is headquartered in *Menlo Park,*
 8 *California*; (3) Samsung Information Systems America is headquartered in *San Jose, California*;
 9 (4) Samsung Semiconductor, Inc. is headquartered in *San Jose, California*; (5) Samsung Open
 10 Innovation Center is located in *Palo Alto, California*; and (6) Samsung Electronics America,
 11 Inc.'s printer product division is headquartered in *Irvine, California*.¹

12 6. Venue is proper in this Court under 28 U.S.C. § 1391 because **SAMSUNG**
 13 innovates, researches, develops, improves, and markets a substantial amount of phones in this
 14 District. **SAMSUNG** "has been a presence in Silicon Valley for more than two decades."²
 15 **SAMSUNG**'s Media Solutions Center (a.k.a. Research and Development Center)³, which is
 16 located in this District, "delivers innovative, connected experiences across Samsung's *mobile* and
 17 digital ecosystem that *enhance the experience of owning a Samsung product*,"⁴ is "[c]omprised
 18

19 ¹ See Samsung, U.S. Divisions, available at:
 20 http://www.samsung.com/us/aboutsamsung/samsung_electronics/us_divisions/;
 21 <http://www.samsung.com/ContactUs/ElectronicsAmerica/index.htm>;
 22 <http://www.samsung.com/ContactUs/InformationSystemsAmerica/index.htm>; See also Gannes,
 23 Liz, "Samsung Confirms Four New Bay Area Offices," Allthingsd.com (Dec. 29, 2012 at
 24 2:13PM) available at: <http://allthingsd.com/20121229/samsung-confirms-four-new-bay-area-offices/>;
 25 "Samsung Electronics Announces New Silicon Valley R&D Center," BusinessWire.com
 26 (Sept. 19, 2012 at 9:00 AM) available at:
 27 <http://www.businesswire.com/news/home/20120919005456/en/Samsung-Electronics-Announces-Silicon-Valley-Center>.

28 ² "Samsung Electronics Announces New Silicon Valley R&D Center," BusinessWire.com
 (Sept. 19, 2012 at 9:00 AM) available at:
<http://www.businesswire.com/news/home/20120919005456/en/Samsung-Electronics-Announces-Silicon-Valley-Center>.

³ See *Id.*

⁴ See Samsung, U.S. Divisions, available at:
http://www.samsung.com/us/aboutsamsung/samsung_electronics/us_divisions/.

1 of two six-story LEED Platinum designed office buildings totaling nearly 385,000 square feet,
 2 and two parking structures,” and “serves as an *epicenter of innovation* and is *home to some of*
 3 *the world’s top talent*,” including “more than 250 doctorate recipients from some of the best
 4 schools around the globe.”⁵ According to a SAMSUNG press release, the “great successes” of the
 5 labs housed at the Media Solutions Center “benefit Samsung’s vast portfolio of *mobile*, visual
 6 display, home appliance, wearable and audio and stereo products.”⁶ SAMSUNG also maintains
 7 and operates a Strategy and Innovation headquarters “within Samsung’s *Device Solutions*
 8 division, with the core missions of open innovation in collaboration with entrepreneurs and
 9 strategic partners,” within this District. Not to mention, SAMSUNG’s Information Systems
 10 America and Semiconductor divisions are headquartered in this District, along with an Open
 11 Innovation Center.⁷ Therefore, a substantial part of the events and/or omissions alleged in this
 12 complaint, giving rise to PLAINTIFFS’ claims, occurred in, emanated from and/or were directed
 13 from this District. Venue is also proper because DEFENDANTS are subject to this District’s
 14 personal jurisdiction with respect to this action.

15 **III. THE PARTIES**

16 **A. PLAINTIFFS**

17 7. Plaintiff **BRANDON COVERT** (“**BRANDON**”) is a natural person who is, and at
 18 all times mentioned in this complaint was, a resident of the State of California. He also purchased
 19 his Samsung Galaxy S6 Active smartphone in California, and suffered the injuries and damage
 20 complained of herein in California.

21 8. Plaintiff **JENNIFER COVERT** (“**JENNIFER**”) is a natural person who is, and at
 22 all times mentioned in this complaint was, a resident of the State of California. She also suffered
 23 the injuries and damage complained of herein in California.

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 25 _____
 26 ⁵ “Research at the Core of Samsung Research America’s New Mountain View Campus,”
 Samsung Newsroom (Sept. 1, 2015) available at: [https://news.samsung.com/global/research-at-](https://news.samsung.com/global/research-at-the-core-of-samsung-research-americas-new-mountain-view-campus)
 27 [the-core-of-samsung-research-americas-new-mountain-view-campus](https://news.samsung.com/global/research-at-the-core-of-samsung-research-americas-new-mountain-view-campus).

⁶ *Id.*

⁷ *See* Samsung, U.S. Divisions, available at:

http://www.samsung.com/us/aboutsamsung/samsung_electronics/us_divisions/.

1 **B. DEFENDANTS**

2 9. Plaintiffs are informed and believe, and thereon allege, that Defendant
3 **SAMSUNG ELECTRONICS CO., LTD.** was, at all relevant times mentioned herein, a foreign
4 corporation organized and existing under the laws of the Republic of Korea, with its principal
5 place of business located at 129 Samsung-Ro, Yeongtong-Gu, Suwon-si, Gyeonggi-do, Korea.
6 **SAMSUNG ELECTRONICS CO., LTD.** is the parent company of Samsung Electronics
7 America, Inc., also named as a Defendant in this complaint. Both Defendants (Samsung
8 Electronics Co., Ltd. and Samsung Electronics America, Inc.) are collectively referred to in this
9 complaint as “**SAMSUNG.**” **SAMSUNG** is the largest seller of smartphones in the world,
10 dominating 22.8% of the worldwide market in the second quarter of 2016. This is nearly double
11 the market share of the next highest competitor.⁸ In 2011 alone, **SAMSUNG** reported \$143.1
12 billion in sales and had 206,000 employees worldwide.⁹

13 10. Plaintiffs are informed and believe, and thereon allege, that Defendant
14 **SAMSUNG ELECTRONICS AMERICA, INC.** was, at all relevant times mentioned herein, a
15 New York corporation organized and existing under the laws of the state of New York and
16 registered with the California Secretary of State to conduct business in California. Defendant
17 **SAMSUNG ELECTRONICS AMERICA, INC.** touts itself as “a recognized innovation leader
18 in consumer electronics design and technology.”¹⁰ It is also a wholly owned subsidiary of
19 **SAMSUNG ELECTRONICS CO., LTD.**

20 **C. AGENCY & CONCERT OF ACTION**

21 11. At all times herein mentioned, Defendants, and each of them, hereinabove, were
22 the agents, servants, employees, partners, aiders and abettors, co-conspirators, and/or joint
23

24 ⁸ The next closest competitor was Apple with only 11.7% in worldwide sales of smartphones.
25 “Smartphone Vendor Market Share, 2016 Q2,” International Data Corporation (IDC), available
at: <http://www.idc.com/prodserv/smartphone-market-share.jsp>.

26 ⁹ “Samsung Electronics Announces New Silicon Valley R&D Center,” BusinessWire.com
(Sept. 19, 2012 at 9:00AM) available at:
27 <http://www.businesswire.com/news/home/20120919005456/en/Samsung-Electronics-Announces-Silicon-Valley-Center>.

28 ¹⁰ See Samsung, U.S. Divisions, available at:
http://www.samsung.com/us/aboutsamsung/samsung_electronics/us_divisions/.

1 venturers of each of the Defendants named herein and were at all times operating and acting
2 within the purpose and scope of said agency, service, employment, partnership, enterprise,
3 conspiracy, and/or joint venture, and each Defendant has ratified and approved the acts of each of
4 the remaining Defendants. Each of the Defendants aided and abetted, encouraged, and rendered
5 substantial assistance to the other Defendants in breaching their obligations to Plaintiffs, as
6 alleged herein. In taking action to aid and abet and substantially assist the commission of these
7 wrongful acts and other wrongdoings complained of, as alleged herein, each of the Defendants
8 acted with an awareness of his/her/its primary wrongdoing and realized that his/her/its conduct
9 would substantially assist the accomplishment of the wrongful conduct, wrongful goals, and
10 wrongdoing.

11 **IV. FACTUAL BASIS FOR THE CLAIMS ASSERTED**

12 **A. THE EXPLOSION OF PLAINTIFF'S DEFECTIVE GALAXY S6 ACTIVE SMARTPHONE**

13 12. On or about August 9, 2015, **BRANDON** purchased a Samsung Galaxy S6 Active
14 smartphone ("S6 Active") from an authorized Samsung dealer in Jackson, California. At all times
15 after purchasing the S6 Active, **BRANDON** used the smartphone as intended.

16 13. At approximately 2:00 a.m. on or about August 2, 2016, **BRANDON**, his wife
17 **JENNIFER**, and their young child were suddenly awoken from their sleep by what sounded like
18 a gunshot, only to find **BRANDON**'s S6 Active on fire with flames shooting four to five inches
19 in the air and smoke filling their bedroom. Panicked and fearing for their lives, **BRANDON** tried
20 to smother the S6 Active with a shirt, but the fire and smoke continued to billow and a foamy,
21 acidic-like substance began spewing from the phone. **BRANDON** had no other option but to grab
22 the on-fire and blazing hot S6 Active, run to the kitchen sink, and drench the phone with water to
23 extinguish the fire. In so doing, **BRANDON** suffered first and second degree burns to his hand.

24 14. **BRANDON**'s S6 Active was completely destroyed as a result of the explosion and
25 fire, which also caused significant damage to **PLAINTIFFS**' dresser where the S6 Active was
26 charging when it exploded. The smell of toxic fumes, scorched metal, burnt flesh, and smoke
27 filled **PLAINTIFFS**' bedroom, making it uninhabitable for several days following the explosion
28 and fire.

1 15. As a direct and foreseeable consequence of the wrongful conduct, omissions
2 and/or concealment of safety risks omissions by **DEFENDANTS**, and each of them,
3 **PLAINTIFFS** have suffered physical, mental, and emotional injuries, as well as property
4 damage. **BRANDON** sought medical care and treatment for the injury to his hand and fingers.
5 Since that time, **BRANDON** continues to experience pain, discomfort, and loss of sensation to his
6 hand and fingers. As a result, of **BRANDON**'s injuries, he has incurred medical bills for his care
7 and treatment. In addition, his wife **JENNIFER** suffered fear, anxiety and severe emotional
8 distress as a result of witnessing and perceiving the loud explosion, fire, and physical injury to her
9 husband, **BRANDON**. Since that time, **JENNIFER** continues to suffer from the emotional
10 trauma of the foregoing events. In summary, both **PLAINTIFFS** have suffered economic and
11 non-economic damages as hereafter alleged.

12 **B. SAMSUNG GALAXY PHONES USE LITHIUM-ION BATTERIES**

13 16. **SAMSUNG** makes Android-based mobile devices, including its popular "Galaxy"
14 line of smartphones, phablets, and tablets. New flagship smartphones are released each year and
15 are identified as part of the "Galaxy S" series. The first generation "Galaxy S" phone hit the
16 market in June 2010, and was followed in subsequent years by the SII, SIII, S4, S5, S6, and S7.
17 New flagship models are often followed by variants that have the word "Edge," "Edge+," or
18 "Active" added to the model name. In late 2011, **SAMSUNG** began selling a high-end
19 smartphone/tablet hybrid (a "phablet"), which it called the "Galaxy Note." Galaxy Note products
20 are larger than regular smartphones and include a stylus that provides additional functionality.

21 17. The "Galaxy S" smartphones and "Galaxy Note" phablets are powered by lithium
22 ion batteries. Lithium-ion batteries power a host of consumer electronic devices, including
23 computers and power tools.

24 18. While lithium ion batteries are often used in consumer electronics, they present
25 inherent risks. The electrolyte material is highly volatile and flammable if it gets too hot. Dr.
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1 Donald Sadoway, a Materials Chemistry professor at MIT, described why lithium ion batteries
2 explode in an interview with *Time Magazine*.¹¹

3 If the temperature gets high enough . . . at some point, if you get up
4 to about 400-500 degrees Centigrade, the metal oxide in the
5 negative electrode actually starts liberating oxygen. **And that's**
6 **really dangerous, because now, instead of having a fire . . .**
7 **getting its oxygen from the air surrounding it, it's getting its**
8 **oxygen from inside the battery itself. The term of art is, this**
9 **has now become a bomb.** You've got fuel and oxygen in the same
10 place at the same time. (Emphasis added.)

11 19. This is often referred to as a "thermal runaway" event, after which the battery will
12 catch fire or explode. A thermal runaway event generates high temperatures exceeding 1100
13 degrees Fahrenheit. It can happen in a variety of circumstances, including when the battery is
14 overcharged, when it is rapidly discharged, when there is a cell defect, when there is cell damage,
15 and in heat.¹²

16 20. According to *Scientific American*:

17 **... faulty batteries can be overcharged. Well-made batteries**
18 **will stop charging automatically once they're full,** but that's not
19 always the case for faulty batteries, If left plugged in for too
20 long, the lithium ions can collect in one spot and be deposited as
21 metallic lithium within the battery.... Also, heat from the
22 overcharging can cause oxygen bubbles within the gel, which are
23 highly reactive with metallic lithium.¹³

24 21. In cellular phones, software generally regulates the charging of the battery. If the
25 software protocols are set incorrectly a thermal runaway event can occur. A careless
26 manufacturing process that leaves unwanted material in the battery can also lead to thermal
27 runaway. A poorly manufactured separator that breaks can also lead to thermal runaway.
28

24 ¹¹ "We Asked a Battery Expert Why Samsung's Phones Are Catching Fire, by Alex Fitzpatrick,
25 published by Time Magazine on September 9, 2016, available at:
26 <http://time.com/4485396/samsung-note-7-battery-fire-why/>

26 ¹² See, Federal Aviation Administration ("FAA"), Summary of Findings from Previous Tests –
27 Lithium-ion, available at: [http://www.icao.int/safety/DangerousGoods/pptfaa/Full scale ion and
28 large format.pptx](http://www.icao.int/safety/DangerousGoods/pptfaa/Full%20scale%20ion%20and%20large%20format.pptx) (last accessed October 13, 2016).

¹³ <https://www.scientificamerican.com/article/the-science-behind-samsung-phone-battery-fires/>
(last accessed October 13, 2016).

1 22. The dangers posed by lithium ion batteries made headlines recently when
2 numerous **SAMSUNG** Note7 devices exploded and burst into flames. This led to the Consumer
3 Product Safety Commission ordered a formal recall on September 15, 2016. While investigation
4 into the Note7 defect is ongoing, **SAMSUNG** has admitted an unspecified “battery cell issue” is
5 the root problem.¹⁴

6 C. **THE SAMSUNG GALAXY S6 ACTIVE USES THE SAME BATTERY AS THE GALAXY**
7 **NOTE7**

8 23. The Galaxy Note7 and the Galaxy S6 Active use lithium ion batteries with the
9 same specifications.

10 24. In the Galaxy S6 Active, **SAMSUNG** chose to put “a hefty 3,500 mAh battery
11 (non-removable), notably more powerful than the 2,550 mAh unit found on the regular Galaxy
12 S6.”¹⁵

13 25. As one article noted:

14 Samsung’s rugged Galaxy S6 Active got officially unveiled on Monday, but
15 not every Samsung fan is happy. *SamMobile*’s Abhijeet M., for instance, thinks
16 that Samsung giving the S6 Active a comparatively big 3,500mAh battery is an
17 “insult” to every customer who bought a Galaxy S6 with its 2,550mAh battery
 earlier this year.¹⁶

18 26. **SAMSUNG** used a 3,500mAh non-removable battery in the Galaxy Note7 as
19 well.¹⁷

21 _____
22 ¹⁴ “[Statement] Samsung Will Replace Current Note7 with New One,” Samsung Newsroom
(Sept. 2, 2016) available at: <https://news.samsung.com/global/statement-on-galaxy-note7>.

23 ¹⁵ Burlacu, Alexandra, “Samsung Galaxy S6 Active Plays Hockey As The Puck: Did It Survive
24 This Brutal Durability Test? [Video]” Tech Times (Dec. 2, 2015 at 9:15AM) available at:
<http://www.techtimes.com/articles/112774/20151202/samsung-galaxy-s6-active-plays-hockey-as-the-puck-did-it-survive-this-brutal-durability-test-video.htm>.

25 ¹⁶ Reed, Brad, “Samsung Fan Explains Why the Galaxy S6 Active is ‘an Insult’ to Galaxy S6
26 Owners,” Yahoo.com (June 9, 2015) available at: <https://www.yahoo.com/tech/samsung-fan-explains-why-galaxy-s6-active-insult-223546849.html>.

27 ¹⁷ See Hollister, Sean, “Here’s why Samsung Note 7 phones are catching fire,” Cnet.com (Oct.
28 10, 2016 at 1:31PM) available at: <https://www.cnet.com/news/why-is-samsung-galaxy-note-7-exploding-overheating>; See also Dvorak, John C., “Samsung’s Galaxy Note 7 Woes Are NOT About the Battery,” PCmag.com (Sept. 14, 2016) available at:

1 **D. SAMSUNG WAS AWARE OF OVERHEATING PROBLEMS WITH GALAXY PHONES,**
2 **BUT INSTEAD OF FIXING THE ROOT PROBLEM, SAMSUNG MERELY REPLACED**
3 **INDIVIDUAL DEVICES**

4 27. **SAMSUNG** made the choice to increase the power of the battery in the S6 Active
5 and Note7, despite knowing that older models and generations with less powerful batteries were
6 experiencing problems with overheating, catching fire, and even exploding. The problem dates
7 back several years prior to the release of either phone. It is only with the Note7 that complaints of
8 overheating, fire and explosion became so numerous that **SAMSUNG** could no longer ignore or
9 mask the problem.

10 28. The occurrence of similar incidents in other models of **SAMSUNG** phones and
11 electronic devices have been reported through the media and consumer protection agencies for
12 years. **SAMSUNG** itself has replaced and/or refunded consumers after such incidences,
13 indicating full knowledge and awareness of the problem. Despite such knowledge and awareness,
14 **SAMSUNG** failed to fix the root problem, notify or warn the public of the dangers its electronic
15 devices presented, initiate a recall of all devices where overheating, explosion, and/or fire were
16 foreseeable, or otherwise address the problem. Instead, **SAMSUNG** replaced individual phones
17 with individual consumers, masking the problem without providing any real fix.

18 29. The Consumer Products Safety Commission (CPSC) has recorded numerous
19 consumer incident reports of **SAMSUNG** phones and accessories overheating, catching fire, and
20 even exploding. The reports relate to a variety of devices—including the Galaxy S2, Galaxy Tab
21 2, Galaxy Tab 3, Galaxy S3, Galaxy S4 Active, Galaxy S5, Galaxy S6, Galaxy S6 Edge, and
22 Galaxy S6 Active. The consumer complaints of such problems date back to August of 2011,
23 approximately four years prior to release of the Galaxy S6 Active.

24 30. Consumer reports to CPSC regarding unsafe **SAMSUNG** products include, but are
25 not limited to, the following:

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28 <http://www.pcmag.com/commentary/347849/samsungs-galaxy-note-7-woes-are-not-about-the-battery>.

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- On August 15, 2011, a consumer reported that a **SAMSUNG** Intensity phone became “incredibly hot” while charging. The consumer also reported that the phone overheated a few days later in the consumer's car, stating: “[i]f the phone would have been in my pocket or on my person, I would have been burned.” CPSC Report No. 20110815-111F0-2147476226.
 - On August 16, 2011, a consumer reported that a **SAMSUNG** Acclaim R880 Handset instantaneously overheated while in the consumer's pocket, burning the consumer's leg, and causing the consumer to “drop his pants and roll.” The consumer was treated at the emergency room. CPSC Report No. 20110816-47642-2147476209.
 - On September 8, 2011, a consumer reported that a “**SAMSUNG** Transform Cellular Phone” overheated in the consumer's pocket, causing a first degree burn to his left leg. CPSC Report No. 20110908-407B5-1200437.
 - On December 6, 2012, a Health Care Professional reported that a Galaxy S3 got “warm” and caused a “partial thickness” burn on a consumer's right cheek. CPSC Report No. 20121206-FE67D-2147461269.
 - On December 14, 2013, a consumer reported that **SAMSUNG** Replenish phone got “hot enuff [sic] to burn skin.” CPSC Report No. 20121214-B7201-2147461055.
 - On September 19, 2011, a consumer reported that a **SAMSUNG** Gravity phone overheated and became too hot to hold while charging. The phone continued to have issues overheating after the battery was replaced. The consumer further reported that he or she felt “this phone may pose a fire hazard and suggest[ed] that this phone be subjected to further testing.” CPSC Report No. 20110919-1BB30-2147475171.
 - On February 28, 2013, a consumer reported that he or she observed a Galaxy S2 “overheating” and “battery swelling.” The consumer expressed “[f]ear of battery fire.” CPSC Report No. 20130228-0C612-2147458351.

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- On August 16, 2013, a consumer reported that a Galaxy S2 began “hissing,” made a loud “POP,” and filled the room with a noxious smoke. The incident occurred while the device was charging at night. CPSC Report No. 20130816-D0B19-2147453034.
- On August 19, 2013 a consumer reported that a **SAMSUNG** Replenish started smoking, made a “loud pop,” melted, and burned a table. CPSC Report No. 20130819-0C736-2147452897.
- On January 20, 2014, a consumer reported that a **SAMSUNG** Galaxy S3 and charging cord became “visibly burned and melted.” The consumer reported “[i]t looks like it had been on fire momentarily.” The incident occurred while the device was charging. CPSC Report No. 20140120-0DFDC-2147448018.
- On April 17, 2014, a consumer reported that a Galaxy S4 started to “smell” and “smoke,” causing the charger to melt into the phone. The incident occurred while the device was charging. CPSC Report No. 20140417-51573-2147445343.
- On April 25, 2014, a consumer reported that a Galaxy S3 made a “loud pop,” and “the battery ... shot the back cover and battery out of the phone spraying a black fluid out and pouring out black smoke ... the battery pack was red in color and smoking hot” The device was charging at the time. CPSC Report No. 20140425-7FBF6-2147445126
- On May 1, 2014, a consumer reported that a Galaxy S4 became “extremely hot” and burned the consumer's son. The consumer contacted **SAMSUNG** about the incident, but they had not called back at the time of the report. The consumer reported he felt the “phone is dangerous.” CPSC Report No. 20140501-C2DA6-2147444903.
- On May 12, 2014, a consumer reported that a Galaxy S4 “became so hot it melted the cable. I'm not sure if there was fire but the device was certainly

1 smoking.” The device was charging at the time. CPSC Report No. 20140512-
2 5B5C8-2147444606.

- 3 • On May 23, 2014, a consumer reported that a Galaxy Tab 3 “caught on fire”
4 injuring the consumer's daughter and burning her bed. The device was
5 charging at the time. The phone was smoking, and the fire burned the phone's
6 metal. CPSC Report No. 20140523-742D0-2147444270.
- 7 • On September 6, 2014, a consumer reported that a “SAMSUNG Galaxy
8 Nexus” “got really hot so much that [he] dropped it out of [his] hand.” The
9 consumer contacted SAMSUNG about a replacement, but SAMSUNG refused
10 to replace the phone. Citing another consumer’s report, the consumer felt that
11 “there should be a major recall to make sure no one else gets seriously hurt.”
12 CPSC Report No. 20140512-5B5C8-2147444606.
- 13 • On September 29, 2014, a consumer reported that a Galaxy S4 began smoking
14 and the “battery caught on fire,” damaging the consumer’s floor. The
15 consumer reported the incident directly to SAMSUNG. CPSC Report No.
16 20140929-BD00A-1431381
- 17 • On November 2, 2014, a consumer reported that a Galaxy S4 began burning in
18 the consumer’s pocket. When the consumer pulled the phone out of his or her
19 pocket, it seared the consumer’s skin. The consumer further reported “[t]he
20 temperature was equivalent to pulling something out of the oven after baking
21 or boiling water and dunking your hand in it.” CPSC Report No. 20141102-
22 D37FA-2147439274.
- 23 • On November 13, 2014, a consumer reported that a refurbished Galaxy S4
24 awoke the consumer with the smell of burning electronics, and burned the
25 consumer’s hand before the consumer realized “the phone was starting to catch
26 fire.” The consumer further reported that “[t]he charging port was burnt, the
27 cord was melted, and [his or her] sheets and mattress pad were burnt.” CPSC
28 Report No. 20141113-0F420-2147438923.

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- On December 28, 2014, a consumer reported that a Galaxy Tab 3 Lite “melted through the back case” while charging it for the first time. CPSC Report No. 20141228-8A09A-2147437296.
 - On December 30, 2014, a consumer reported that a Galaxy S4 “literally melted to [the consumer’s] counter” while charging. The consumer further reported that “[t]he area around the charging port was black and melted.” CPSC Report No. 20141230-C86A9-2147437158.
 - On January 31, 2015, a consumer reported that a charging device for a Galaxy Tablet burned the consumer and the consumer’s four-year-old daughter. The consumer reported that the “injuries were minor” but that the “shock was serious,” and that the defect posed a fire risk. CPSC Report No. 20150131-16178-2147435842.
 - On March 22, 2015, a consumer reported that a charging device for a Galaxy Tab 2 overheated, causing the plastic casing to burn and peel off. CPSC Report No. 20150322-737E7-2147434332.
 - On June 3, 2015, a consumer reported that a Galaxy 2 “caught fire while charging,” which caused property damage. CPSC Report No. 20150603-0F8F8-2147432391.
 - On July 24, 2015, a consumer reported that a Galaxy Note 2 “became hot,” and emitted “large amounts of smoke” and “sparks.” The consumer further reported that the battery “projected out of the back of the device ... leaving burn marks and a hole in the carpet.” CPSC Report No. 20150724-ABD3B-2147429986.
 - On August 9, 2015, a consumer reported that a Galaxy S5 began “smoking from the point at which the charge plugs into the phone.” Both the phone and charger had “burn marks and were melted slightly.” The consumer further reported that he or she feared the phone or charger would have started a fire if

1 the consumer had not woken up. CPSC Report No. 20150809-FD1A7-
2 2147429518.

- 3 • On September 19, 2015, a consumer reported that the **SAMSUNG** charging
4 device for a Galaxy S6 was “overheating excessively under normal use.” “The
5 consumer further reported that the heating was “severe” enough to burn the
6 consumer. CPSC Report No. 20150919-9088D-2147428266.
- 7 • On December 29, 2015, a consumer reported that a **SAMSUNG** phone charger
8 for a “Newer Samsung Galaxy” had “almost started on fire.” The “phone was
9 red hot,” the tip of the charger was black, and the phone was “completely
10 toast.” The consumer further reported: “Totally unsafe! My house could have
11 started on fire.” CPSC Report No. 20151229-96F83-2147425364.
- 12 • On January 18, 2016, a consumer reported that a Galaxy S6 Edge became
13 “extremely hot to touch,” and developed a crack in the screen. CPSC Report
14 No. 20160118-B87EB-2147424570.
- 15 • On January 23, 2016, a consumer reported that a Galaxy S6 began emitting a
16 “strange smell,” and that the **SAMSUNG** charger was “warped, melted, and
17 discolored.” The consumer further reported that the phone was “extremely
18 hot” to the point it would have “burned a small child.” The incident occurred
19 while the phone was charging. CPSC Report No. 20160123-F8845-
20 2147424397.
- 21 • On January 14, 2016, a consumer reported that a charging device for a Galaxy
22 S4 got “extremely hot and started to melt.” CPSC Report No. 20160114-
23 AC115-1545877.
- 24 • On March 21, 2016, a consumer reported that a **SAMSUNG** charging device
25 for a Galaxy S6 “caught on fire and melted.” CPSC Report No. 20160321-
26 83C90-2147420788.
- 27 • On September 16, 2016, a consumer reported that a Galaxy S4 Active “melted”
28 into the charging cable. The phone burned the consumer's finger. The

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consumer further reported that the phone “probably could have got a fire.”
CPSC Report No. 20160916-61984-2147414098.

- On September 16, 2016, a consumer reported that the battery of a SAMSUNG Galaxy S5 is “bulging” and the phone is “warm to touch.” **The consumer further reported that SAMSUNG refused to do anything other than sell the customer a new battery because the phone “had not yet exploded.”**
CPSC Report No. 20160916-13A98-2147414102.
- On September 16, 2016, a consumer reported that a SAMSUNG Galaxy S6 Active “burned up while charging via a SAMSUNG charger.” The incident set off smoke alarms, filled the customer's bedroom with smoke, charred curtains and bedding, and burned through the hardcover of a book. The consumer reported that she contacted SAMSUNG about the incident, and that SAMSUNG gave her the “runaround.” CPSC Report No. 20160916-1BB3F-2147414093.
- On September 19, 2016, a consumer reported that the battery of a Galaxy Note7 exploded while charging. The phone emitted “toxic fumes” that filled the room. CPSC Report No. 20160919-1E618-2147413987.

31. At all times prior to the incident of August 2, 2016, SAMSUNG was aware of these reports, the attendant fire hazards and safety risks posed by their phones, since consumers report the incidents directly to SAMSUNG, and SAMSUNG has also acknowledged the reports by responding on the consumer agency’s website with a boilerplate response. Many consumers have reported that SAMSUNG failed to take their complaints seriously, and refused to provide any compensation beyond merely replacing the dangerous and defective phones.

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1 **E. SAMSUNG CONCEALED THE PROBLEM AND MARKETED THE GALAXY S6 ACTIVE**
 2 **AS INDESTRUCTIBLE AND BETTER THAN EVER**

3 32. Despite knowledge of the overheating problem existing across multiple models
 4 and generations of SAMSUNG phones and despite choosing to put a more powerful battery in the
 5 S6 Active, SAMSUNG marketed the S6 Active as indestructible, innovative, and “better than
 6 ever.”

7 33. According to SAMSUNG: “AT&T is bringing its customers **the toughest and**
 8 **most advanced member of the Galaxy S family**. The Samsung Galaxy S6 active – available
 9 only at AT&T – is designed with your active lifestyle in mind. It gives you the **durability** you
 10 want while boasting a sleek, lightweight design and **all of the innovation the Galaxy S6** has to
 11 offer.”¹⁸

12 34. It is “[b]uilt to withstand whatever everyday life throws its way, the Samsung
 13 Galaxy S6 active has IP68 certified casing that is water resistant up to 1.5 meters for up to 30
 14 minutes, shock resistant, and dust proof.”¹⁹

15 35. According to Tim Baxter, President, Chief Operating Officer, and General
 16 Manager of Samsung Electronics America, Inc., “With the Galaxy S6 active, we’re delivering
 17 consumers with **high durability coupled with the powerful performance of Samsung’s latest**
 18 **flagship smartphone**. The result is a smartphone that brings **ruggedized capabilities** and water
 19 resistance **coupled with the camera, battery and design features that empower our**
 20 **consumers and business users to do more.**”²⁰

21 36. According to Kwangjin Bae, the Principal Engineer at IT & Mobile
 22 Communications, “the goal was to make Samsung’s latest flagship smartphone as strong and
 23 durable as possible,” for which, “[t]he development team for the Galaxy S6 **worked around the**
 24 **clock. It was one of the most difficult times of my life and all the members of the group from**
 25

26 ¹⁸ “Samsung Galaxy S6 active Available Exclusively at At&T,” Samsung Newsroom (June 9,
 27 2015) available at: [https://news.samsung.com/global/samsung-galaxy-s6-active-available-](https://news.samsung.com/global/samsung-galaxy-s6-active-available-exclusively-at-att)
 28 [exclusively-at-att.](https://news.samsung.com/global/samsung-galaxy-s6-active-available-exclusively-at-att)

¹⁹ *Id.*

²⁰ *Id.*

1 **bottom to the top worked together as one in developing the new product.** It was not an easy
 2 task because **it was uncharted territory** for all of us.”²¹

3 37. SAMSUNG even went so far as to say: “**[i]n introducing innovation, not only in**
 4 **design and engineering, but also in manufacturing processes, Samsung adheres to its**
 5 **notoriously strict quality control policy. Each product undergoes intense durability testing**
 6 **such as drop tests, bending test and performance testing among many other steps. Samsung**
 7 **takes to ensure the highest quality products.** By fusing together innovation with durability,
 8 Samsung is able to provide the level of quality consumers expect from Samsung.”²²

9 38. In commercial advertising for the S6 Active, SAMSUNG shows the phone being
 10 dropped from a conveyor belt down a flight stairs and into a bathtub of water, where it is dropped
 11 again into a sandwich, covered with ketchup and mustard and smashed with an ice cream cone,
 12 then licked by a dog, sprayed with water by sprinklers and hoses, only to be dropped again off a
 13 conveyor belt into a bowl of milk, all while you hear the announcer saying: “introducing the
 14 Samsung Galaxy S6 Active . . . **tested to withstand pretty much anything life throws your**
 15 **way.**”²³

16 39. One article even noted that while “[t]he glass-and-metal S6 and S6 Edge both get
 17 very warm during normal activities,” “the all-plastic S6 Active doesn’t heat up at all. Even while
 18 multitasking and juggling a bunch of things at once, the Active stays cool and more comfortable
 19 in your hand.”²⁴ Again, the clear message being sent to consumers is that the S6 Active is better
 20 than all prior models, innovative, and indestructible.

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 22 ²¹ “[Editorial] The Perfect Fusion: The Story Behind the Metal and Glass of the Galaxy S6,”
 23 Samsung Newsroom (June 1, 2015) available at: <https://news.samsung.com/global/the-perfect-fusion-the-story-behind-the-metal-and-glass-of-the-galaxy-s6-ass-and-metal-was-not-without-its-challenges-the-story-behind-the-galaxy-s6-sound>.

24 ²² “Forming Glass, Metal Frame – The Art of Craftsmanship in the Galaxy S6,” Samsung
 25 Newsroom (March 2, 2015) available at: <https://news.samsung.com/global/forming-glass-forging-metal-the-art-of-craftsmanship-in-the-galaxy-s6>.

26 ²³ AT&T Samsung Galaxy S6 Active Life Simulator, Commercial HD (published June 14,
 27 2015) available at: <https://youtu.be/lrFypWKsHOo>.

28 ²⁴ Seifert, Dan, “Six reasons to get the Samsung Galaxy S6 Active: And six more reasons why
 you might not want to,” Theverge.com (June 15, 2015 at 12:39PM) available at:
<http://www.theverge.com/2015/6/15/8778489/samsung-galaxy-s6-active-hands-on-review>.

1 48. Based on the foregoing premises, the S6 Active had the potential risk of explosion
2 that was known or knowable in light of the scientific knowledge that was generally accepted in
3 the scientific community when the S6 Active was manufactured, distributed and sold. The
4 potential risk of explosion presented a substantial danger to the public when the S6 Active is used
5 in an intended or reasonably foreseeable way. The ordinary consumer would not have recognized
6 the potential risk that the S6 Active would explode. The **DEFENDANTS**, and each of them,
7 failed to adequately warn or instruct **PLAINTIFFS** or the public of the potential safety risk that
8 the S6 Active would explode.

9 49. As a direct and legal result of the wrongful conduct and/or omissions of
10 **DEFENDANTS**, and each of them, **PLAINTIFFS** sustained the injuries and damages set forth
11 herein while the S6 Active was being used in a reasonably foreseeable manner.

12 50. As a direct and legal result of the wrongful conduct, omissions and/or concealment
13 of the safety risks by **DEFENDANTS**, and each of them, **BRANDON** was injured in his health,
14 strength, and activity, sustained injuries to his body and mind, all of which have caused
15 **BRANDON** great physical, mental, emotional, and nervous pain and suffering. **BRANDON** is
16 informed and believes, and upon such information and belief alleges, that such injuries have
17 and/or will result in debilitating injuries, all to his general damage in a sum according to proof.

18 51. As a further direct and legal result of the wrongful conduct and/or omissions of the
19 **DEFENDANTS**, and each of them, **BRANDON** was required to employ physicians and/or
20 physical therapists and other health care providers to examine, treat and care for his injuries, and
21 **BRANDON** has incurred, and will continue to incur, medical and incidental expenses for such
22 examination, treatment, rehabilitation, and care in an amount according to proof.

23 52. As a further direct and legal result of the wrongful conduct and/or omissions of
24 **DEFENDANTS**, and each of them, **JENNIFER** suffered severe emotional distress and mental
25 suffering, all of which has caused, continues to cause, and will cause great physical and mental
26 pain and suffering, all to **JENNIFER**'s damage.

27 53. As a further direct and legal result of the wrongful conduct and/or omissions of
28 **DEFENDANTS**, and each of them, **PLAINTIFFS** suffered personal property damage, including

1 but not limited to, the complete loss and/or destruction of **BRANDON**'s S6 Active and damage to
2 furniture, clothing and other personal property in **PLAINTIFFS**' home.

3 54. The officers, directors and/or managing agents of **DEFENDANTS**, and each of
4 them, had advanced knowledge that their phones were a safety hazard, including but not limited
5 to, the phones overheating, exploding, and/or catching on fire while being used in the ordinary
6 fashion intended and for the intended purpose. The officers, directors and/or managing agents of
7 **DEFENDANTS**, and each of them, also had advanced knowledge that a failure to fix the problem
8 would result in the probability of a catastrophic event, which foreseeably would lead to harm
9 and/or injuries to the health and safety of **PLAINTIFFS** and consumers, generally.

10 **DEFENDANTS**, and each of them, intentionally chose to not spend necessary funds for testing,
11 assessing, evaluating, fixing, and/or repairing the root problem, but instead chose to replace
12 individual phones and release new generations of phones under the guise that the latest generation
13 improved upon the last. **DEFENDANTS**, and each of them, knew or should have known, that the
14 problem with the phones overheating, exploding, and/or catching on fire was correlated with the
15 phone's lithium ion battery, but failed to take measures to address the problem, including but not
16 limited to re-programming the phone to use less of the battery, adjusting the interior makeup of the
17 phone to reposition the battery or other surrounding parts, and/or decrease the power of the
18 installed battery. Instead **DEFENDANTS**, and each of them, released the S6 Active with a
19 battery that was more powerful than previous generations, all while knowing the root problem
20 causing the phones to overheat, explode, and/or catch on fire was correlated to the battery and that
21 they had failed to address and/or fix the root problem, which was foreseeably and predictably
22 leading the phones to overheat, explode and/or catch on fire. The wrongful acts, representations
23 and/or omissions of **DEFENDANTS**, and each of them, as herein set forth, were made, adopted,
24 approved, authorized, endorsed and/or ratified by their officers, directors or managing agents, and
25 were done maliciously, oppressively, fraudulently and/or with a willful and knowing disregard of
26 the probable dangerous consequences for the health and safety of **PLAINTIFFS** and their
27 community. Such action was done with malice, oppression and/or fraud and was and is
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1 despicable, shocking and offensive and entitles the **PLAINTIFFS** to an award of punitive
2 damages against these specific **DEFENDANTS** in an amount to be determined at trial.

3 **SECOND CAUSE OF ACTION**

4 **NEGLIGENCE**

5 **(By Plaintiff Brandon Covert Against All Defendants)**

6 55. **PLAINTIFFS** hereby reallege and incorporate by reference each and every
7 allegation set forth above, as if fully set forth in detail herein.

8 56. At all relevant times herein, **DEFENDANTS**, and each of them, were negligent,
9 careless, reckless and/or inattentive in the design, innovation, engineering, development,
10 manufacturing, testing, production, assembly, labeling, supply, importation, inspection,
11 distribution and/or sale of the S6 Active.

12 57. As a direct and foreseeable consequence of the premises, the S6 Active failed
13 catastrophically on August 2, 2016, resulting in an explosion that injured **BRANDON**.

14 58. As a direct and legal result of the wrongful conduct and/or omissions of
15 **DEFENDANTS** hereinabove set forth, and each of them, **BRANDON** suffered the damages
16 hereinabove set forth.

17 **THIRD CAUSE OF ACTION**

18 **NEGLIGENCE – BYSTANDER CLAIM**

19 **(By Plaintiff Jennifer Covert Against All Defendants)**

20 59. **PLAINTIFFS** hereby reallege and incorporate by reference each and every
21 allegation set forth above, as if fully set forth in detail herein.

22 60. At all times mentioned, **JENNIFER** was in close proximity to the exploding,
23 smoking, and burning S6 Active, such that **JENNIFER**'s health and well-being was threatened,
24 and at all relevant times herein mentioned **JENNIFER** observed, witnessed, heard, and/or
25 perceived the S6 Active exploding and on fire, and perceived her husband **BRANDON** being
26 injured by the S6 Active in an attempt to stop the fire and protect his family.

27 61. As a direct and legal result of the wrongful conduct and/or omissions of
28 **DEFENDANTS**, and each of them, **JENNIFER** suffered the damages hereinabove set forth.

FOURTH CAUSE OF ACTION
BREACH OF IMPLIED WARRANTY
(By Plaintiff Brandon Covert Against All Defendants)

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62. **PLAINTIFFS** hereby reallege and incorporate by reference each and every allegation set forth above, as if fully set forth in detail herein.

63. **DEFENDANTS**, and each of them, impliedly warranted to **BRANDON** that the S6 Active was fit and safe for the ordinary purposes for which it was sold.

64. These implied warranties induced **BRANDON** to purchase the S6 Active from the **DEFENDANTS**. These implied warranties were both directly and indirectly believed and relied upon by **BRANDON**, which induced him to choose the S6 Active. This reliance was justified by the skill, expertise, and judgment of **DEFENDANTS**, and each of them, in the design, manufacturing, testing labeling, distribution, or sale of consumer electronic devices generally, and the S6 Active specifically.

65. At the time of the sale of the S6 Active, **DEFENDANTS**, and each of them, knew the purpose for which the S6 Active was purchased and impliedly warranted the same to be, in all respects, fit and proper for this purpose.

66. **DEFENDANTS**, and each of them, breached their aforesaid warranties in that at the time of the sale of the S6 Active, the S6 Active was not fit for the purpose for which it was intended to be used; rather **DEFENDANTS**, and each of them, sold to **BRANDON** a product which was not fit for use as represented. The defect in the S6 Active which caused it to explode and catch fire existed prior to its delivery to **BRANDON**.

67. The failure of the S6 Active to be safe and fit for use caused **BRANDON** to suffer the damages hereinabove set forth.

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FIFTH CAUSE OF ACTION
BREACH OF EXPRESS WARRANTY
(By Plaintiff Brandon Covert Against All Defendants)

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4 68. **PLAINTIFFS** hereby reallege and incorporate by reference each and every
5 allegation set forth above, as if fully set forth in detail herein.

6 69. **DEFENDANTS**, and each of them, expressly warranted to **BRANDON** through
7 advertisements, marketing, and/or promotional materials that the S6 Active was capable of safely
8 performing under the most harsh conditions, making the following representations:

- 9 • “the toughest and most advanced”;
- 10 • “high durability”;
- 11 • “built to withstand whatever everyday life throws its way”;
- 12 • “tested to withstand pretty much anything life throws your way”;
- 13 • “ruggedized capabilities”;
- 14 • “rugged design that’s engineered for outdoor activities”;
- 15 • “each product undergoes intense durability testing”;
- 16 • “Samsung adheres to its notoriously strict quality control policy”;
- 17 • “Samsung takes to ensure the highest quality products”.

18 70. These express warranties induced **BRANDON** to purchase and use the S6 Active.
19 These express warranties were both directly and indirectly believed and relied upon by
20 **BRANDON**, and induced **BRANDON** to choose the S6 Active.

21 71. **DEFENDANTS**, and each of them, breached the aforesaid warranties in that the
22 S6 Active was not safe for the use and purpose expressly warranted by **DEFENDANTS**, and each
23 of them.

24 72. The failure of the S6 Active to be safe and fit for use, as represented by the
25 **DEFENDANTS**, and each of them, caused **BRANDON** to suffer the damages hereinabove set
26 forth.

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1 **VI. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs pray that this Court enter judgment in their favor on every claim
3 for relief set forth above and award them relief including, but not limited to, the following:

- 4 1. For general damages in an amount according to proof at trial, and beyond the
- 5 jurisdictional minimum of this Court;
- 6 2. For economic losses, in an amount according to proof at trial;
- 7 3. For repair, depreciation, and/or replacement of damaged, destroyed, and/or lost
- 8 personal property;
- 9 4. Loss of the use and benefit of Plaintiffs' real and/or personal property;
- 10 5. For interest upon any judgment entered as provided by law;
- 11 6. For past and future medical and related expenses according to proof at trial;
- 12 7. For costs of suit incurred herein;
- 13 8. For punitive/exemplary damages in an amount according to proof at trial; and
- 14 9. For such other and further relief as the Court may deem just and proper.

15 Dated: October 19, 2016

COTCHETT, PITRE & McCARTHY, LLP
STONEBARGER LAW, APC



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19 **FRANK M. PITRE**
Attorneys for Plaintiffs

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21 **VII. JURY DEMAND**

22 Plaintiff demands trial by jury on all issues so triable.

23 Dated: October 19, 2016

COTCHETT, PITRE & McCARTHY, LLP
STONEBARGER LAW, APC



26
27 **FRANK M. PITRE**
Attorneys for Plaintiffs

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