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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

CRAIG CROSBY and CHRISTOPHER
JOHNSON, on behalf of themselves and others
similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware corporation.

Defendant.

CASE NO.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

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1 **I. INTRODUCTION**

2 1. Amazon engaged in an unfair and/or deceptive business practice by falsely
3 advertising, marketing, and selling defective, and often dangerous lithium-ion 18650 battery cells
4 and products containing them.

5 2. Lithium-ion 18650 batteries are marketed and sold by Amazon to be used in
6 consumer devices, including laptops, flashlights, cameras, lasers, measurement tools, children's
7 toys, battery packs, hoverboards, and e-cigarettes.

8 3. Amazon makes numerous false and misleading representations about the
9 characteristics of the batteries. Amazon misrepresents the energy capacity of lithium-ion 18650
10 batteries and safety features allegedly contained in the batteries. Amazon is selling batteries with
11 advertised characteristics that do not exist.

12 4. Not only does Amazon unfairly, unlawfully, and deceptively hide the truth about
13 lithium-ion 18650 batteries, but they also continue to sell, market, and advertise the batteries on
14 their website despite knowledge that the batteries are not as advertised.

15 5. Amazon's advertising, and information on its website is misleading to consumers,
16 and Amazon has profited based on its deceptive and/or unfair practice of incorrectly leading the
17 public to believe that the batteries had longer capacity or higher output than they did, and
18 possessed safety features they did not. Amazon's conduct constitutes a violation of the
19 Washington Consumer Protection Act.

20 **II. JURISDICTION AND VENUE**

21 6. This Court has personal jurisdiction over Defendant because Amazon maintains
22 its headquarters in this district and in Washington state and has intentionally availed itself of the
23 laws of Washington by conducting a substantial amount of business in the state that is the subject
24 of this Complaint. Decisions regarding the advertising of these products are made at the
25 headquarters of Amazon, which is located in this district. This Court accordingly has personal
26 jurisdiction over Amazon.

1 7. This Court has subject matter jurisdiction because this is a class action arising
2 under the Class Action Fairness Act of 2005 (“CAFA”), which confers original jurisdiction on
3 the federal courts for any class action in which any member of the Class is a citizen of a state
4 different from any defendant, and in which the matter in controversy exceeds in the aggregate
5 \$5,000,000, exclusive of interest and costs. Plaintiffs allege that the total claims of individual
6 Class members in this action are in excess of \$5,000,000, as required by 28 U.S.C. § 1332(d)(2)
7 & (6). Plaintiffs are citizens of California, whereas Defendant is a citizen of Washington,
8 satisfying 28 U.S.C. § 1332(d)(2)(A). Furthermore, the total number of Class members is greater
9 than 100, as required by 28 U.S.C. § § 1332(d)(5)(B). Federal subject matter jurisdiction thus
10 exists.

11 8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) because
12 Amazon is headquartered and resides in this District. Venue is further appropriate in this district
13 pursuant to the forum selection clause in Amazon’s online “conditions of use,” which are
14 available when a consumer signs up for an Amazon account and makes purchases. As of May 3,
15 2021, the conditions provide that “[a]ny dispute or claim relating in any way to your use of any
16 Amazon Service will be adjudicated in the state or Federal courts in King County, Washington,
17 and you consent to exclusive jurisdiction and venue in these courts.”

18 **III. PARTIES**

19 **A. Plaintiffs**

20 9. Plaintiff CRAIG CROSBY resides in Camarillo, California. During the Class
21 period, Mr. Crosby purchased deceptive individual 18650 lithium-ion battery cells and products
22 containing intentionally deceptive 18650 lithium-ion battery cells from Amazon.com as the
23 direct seller after May 3, 2021, the date Amazon dropped its arbitration requirement in its
24 Conditions of Use. At the time of purchase, Amazon’s statements and omissions had the capacity
25 to deceive a substantial portion of the purchasing public. The products were found to have lower
26

1 battery capacity than advertised only after the products were bought, mailed, received, and tested
2 by Plaintiffs.

3 10. Plaintiff CHRIS JOHNSON resides in Woodland Hills, California. During the
4 Class period, Mr. Johnson purchased deceptive individual 18650 lithium-ion battery cells and
5 products containing defective 18650 lithium-ion battery cells from Amazon.com as the direct
6 seller after May 3, 2021, the date Amazon dropped its arbitration requirement in its Conditions
7 of Use. At the time of purchase, Amazon's statements and omissions had the capacity to deceive
8 a substantial portion of the purchasing public. The products were found to have lower battery
9 capacity than advertised only after the products were bought, mailed, received, and tested by
10 Plaintiffs.

11 11. Absent award of the relief sought in this lawsuit, Plaintiffs Crosby and Johnson
12 and the public will continue to suffer harm. Plaintiffs as well as the public generally continue to
13 be at risk of future harm, as Amazon knows about its deceptive practice because of the
14 unfavorable reviews on its website stating as much, and has refused to change its practices
15 related to the sale of defective lithium-ion 18650 batteries. Amazon continues to make false and
16 misleading statements in connection with the sale of such products. This continued violation of
17 the law creates ongoing damage to Plaintiffs and to the purchasing public.

18 **B. Defendant**

19 12. Defendant AMAZON.COM, INC. is a corporation located in Washington state,
20 and organized under the laws of the State of Delaware, with its headquarters, and principal place
21 of business at 410 Terry Avenue, Seattle WA 98109.

22 13. Amazon Warehouse Deals is a division or arm of AMAZON.COM, INC. Amazon
23 Warehouse Deals offers discounted goods that have been returned, warehouse-damaged, used, or
24 refurbished products. Amazon Warehouse Deals is a direct seller of lithium-ion 18650 batteries
25 and is responsible for the sale, marketing, and advertisement of the defective lithium-ion 18650
26 batteries and products contain lithium-ion 18650 batteries at issue in this case. (Amazon.com,

1 Inc. including Amazon Warehouse Deals, is collectively referred to herein as “Amazon.com” or
2 “Amazon”).

3 **IV. CLASS ACTION ALLEGATIONS**

4 14. Plaintiffs bring this class-action lawsuit on behalf of themselves and the proposed
5 members of the Class pursuant to Rule 23(b) of the Federal Rules of Civil Procedure.

6 15. This action has been brought and may properly be maintained as a class action
7 against Defendant Amazon because there is a well-defined community of interest in the litigation
8 and the proposed Class is easily ascertainable.

9 16. Plaintiffs seek certification of the following Class:

10 All individuals or organizations that purchased lithium-ion 18650 batteries
11 or products containing lithium-ion 18650 batteries from Amazon after May
12 3, 2021 until the date of class certification.

13 17. **Numerosity.** Plaintiffs do not know the exact number of Class members but
14 believe the Class comprises at least thousands of consumers nationwide. As such, the Class is so
15 numerous that joinder is impractical.

16 18. **Commonality and predominance.** Each of the proposed Class members, are
17 similarly situated to Plaintiffs with regard to their rights as purchasers of lithium-ion batteries
18 from Amazon.

19 19. There are common questions of law and fact that affect all Class members. These
20 questions predominate over questions that might affect individual Class members. These
21 common questions include, but are not limited to, the following:

- 22 A. Whether Amazon falsely advertised lithium-ion batteries;
- 23 B. Whether Amazon’s representations regarding the deceptive and/or dangerous
24 nature of the batteries were objectively material;
- 25 C. Whether Amazon adequately disclosed and described the deceptive and/or
26 dangerous nature of the lithium-ion batteries and the risks associated with their
use;

- 1 D. Whether Amazon’s representations and descriptions of the lithium-ion batteries
- 2 and the products containing them were deceptive;
- 3 E. Whether Amazon failed to disclose objectively material information regarding the
- 4 lithium-ion batteries;
- 5 F. Whether Amazon’s representations and omissions have the capacity to deceive a
- 6 substantial portion of consumers;
- 7 G. Whether Amazon’s conduct violated Washington state consumer protection laws;
- 8 H. Whether Plaintiffs and the Class incurred a loss of money or property within the
- 9 meaning of the WA Consumer Protection Act due to Amazon’s conduct;
- 10 I. Whether Plaintiffs, the Class and the general public are entitled to public
- 11 injunctive relief due to Amazon’s conduct.

12 20. **Typicality.** Plaintiffs' claims are typical of Class members' claims. Plaintiffs and
13 Class members sustained injury as a direct result of Amazon’s practice of selling, marketing and
14 advertising defective lithium-ion batteries. Thus, Plaintiffs are similarly situated to the other
15 members of the Class and are adequate representatives of the Class.

16 21. **Adequacy.** Plaintiffs will fairly and adequately protect the Class members'
17 interests. Plaintiffs and Class members have the same interests and Plaintiffs have attorneys who
18 are competent and experienced in the prosecution of class actions and consumer protection cases.

19 22. **Superiority.** A class action is the superior method for fairly and efficiently
20 adjudicating this controversy for the following reasons:

- 21 A. The monetary size of claims of the individual Class members are relatively small,
- 22 and few, if any, Class members could afford to seek legal redress for the wrongs
- 23 complained of;
- 24 B. Absent a class action, the Class members will likely not obtain redress of their
- 25 injuries and Defendant will retain the proceeds from the violations of the laws
- 26 cited herein;

1 C. This class action also provides the benefits of single adjudication and supervision
2 by a single court; and

3 D. Plaintiffs are unaware of any unusual difficulties in managing this class action.

4 **V. CHOICE OF LAW ALLEGATIONS**

5 23. Washington law applies to Plaintiffs' claims by virtue of a Washington choice-of-
6 law provision that is set forth in "Conditions of Use" that appear on Amazon's website. These
7 conditions of use are available to consumers when they sign up for an Amazon account and make
8 subsequent use of the website or purchases. In pertinent part, the choice-of-law clause contained
9 in the conditions of use provides:

10 By using any Amazon Service, you agree that applicable federal law, and the laws of the
11 state of Washington, without regard to principles of conflict of laws, will govern these
12 Conditions of Use and any dispute of any sort that might arise between you and Amazon.

13 **VI. FACTUAL ALLEGATIONS**

14 **A. Amazon Sells Defective, and Dangerous Lithium-Ion 18650 Batteries**

15 24. Amazon has and continues to benefit from the sale of deceptive, dangerous, and
16 defective lithium-ion 18650 batteries and products containing them. Amazon makes with false
17 and exorbitant capacity claims about the lithium-ion 18650 batteries that do not perform to their
18 alleged capacity and pose serious risk of injury. (*See* Exhibits A-E)

19 25. Amazon's affirmative statements regarding alleged battery capacity, lower price
20 points, and safety features has the capacity to mislead Plaintiffs and the public into purchasing
21 batteries that were deceptive, defective, and dangerous.

22 26. The energy capacity of a battery is one of the most important characteristics a
23 consumer reviews to determine which battery to purchase. Amazon advertises the energy
24 capacity of the battery sold in milli-amp hours (mAh). Virtually all lithium-ion cells have a rated
25 capacity measured in milliamp-hours (mAh) or amp-hours (Ah). The higher the mAh capacity,
26 the more useable energy-

1 27. The capacity of authentic lithium-ion 18650 batteries sold by legitimate
2 manufacturers is under 3800 mAh. The space inside the case of every authentic lithium-ion
3 18650 battery is the same. Cell capacity is limited by the thickness and density of the cathode
4 and anode, and the electrolyte that can fit in the case, in addition to electrode resistance and
5 device requirements for efficient discharge.

6 28. Lithium-ion 18650 batteries for sale on Amazon.com may list capacities ranging
7 from less than 1300 mAh to 12000 mAh. Batteries are often listed with capacities of 9800 mAh
8 or higher, more than double the capacity of any authentic 18650 lithium-ion battery produced by
9 legitimate manufacturers. The deceptively marketed lithium-ion 18650 batteries frequently test at
10 only a small percentage of their advertised capacity.

11 29. Consumers purchase higher capacity batteries from Amazon because they are
12 attracted to the longer use duration of the batteries. Unfortunately, many of Amazon's claims are
13 unsubstantiated, misleading, and completely deceptive.

14 **B. Amazon Knows about the Defective Nature of Lithium-Ion 18650 Batteries**

15 30. Amazon knowingly conceals the capacity of these batteries and alleged safety
16 features in order to mislead Plaintiffs and the public into purchasing batteries that are not as
17 advertised.

18 31. Amazon promotes the sale of deceptive and/or unfairly marketed batteries through
19 its use of Amazon product listings uniquely identified by an Amazon Standard Identification
20 Number ("ASIN"). Every product sold on Amazon.com is assigned an ASIN. If a seller or
21 product has too many negative reviews, the product will be removed from the Amazon.

22 32. A removed product is often put back on Amazon's website without any
23 substantive quality control or review by Amazon. The same product is given a different ASIN
24 and all prior reviews of the product are removed. Therefore, the purchaser of the existing ASIN
25 version of the product is unaware of any prior negative reviews of the same product, despite this
26 information being known by Amazon.

1 33. Amazon is often the direct seller of the dangerous and potentially deadly items
2 while also allowing third-party sales. Amazon has even developed their own portable lithium-ion
3 battery packs and battery chargers, Amazon Basics Portable Power Banks. Amazon recalled six
4 models of the Portable Power Banks in 2018 due to fire hazard.

5 34. Amazon knew or should have knowledge of this practice because on Amazon's
6 website, there are often negative and one-star reviews for the deceptive and defective lithium-
7 ion batteries and products containing them. Amazon customers complain that the batteries fail to
8 reach the claimed capacity, cost too much for their actual capacity, arrive smaller than
9 advertised, fail to include marketed safety features, and that products containing the batteries are
10 fire hazards.

11 35. An example of a deceptive product sold by Amazon is Super Bright 2000 Lumen
12 18650 Tactical Flashlight and 6x 3.7V Rechargeable High-Capacity Battery with Batteries
13 Charger, Adjustable Focus and 5 Light Modes Handheld Flashlight for Camping Hiking.
14 Amazon customer Eric Clough left a one star review for the product on June 23, 2021, stating
15 that: "Not as described. The flashlight is fine. The batteries are NOT 5800 MaH. No where close.
16 I have 2600 mah batteries that lasted twice as long."

17 36. Another example of a deceptive product sold by Amazon is Tokeyla 18650
18 flashlight 5 modes with one pack two-Slot charger and 8 pcs 18650 rechargeable battery
19 5000mAh button top batter for general purpose. Amazon customer Troy Otto left a one star
20 review for the product on May 7, 2021, stating that: "Batteries slightly too tall and flashlight
21 doesn't work right. Batteries don't work with the flashlight correctly. Also, these 18650 batteries
22 are slightly taller than usual 18650's. They are too tall to fit in my cig."

23 37. Another example of a misleadingly advertised product is the Headlamp,
24 Headlight, Hard Hat Light 2000 Lumens IMPROVED Cree Led Ultra Bright Rechargeable
25 Waterproof Flashlight Head Light for Camping, Outdoors (Charging equipment and Battery)
26 included (Silver). Amazon customer Josephine left a one star review for the product on June 4,

1 2021, stating that: “Broke first use. Worked for about 15 minutes. Never worked again. Tried
2 charging it, changing batteries etc.”

3 38. As of July 28, 2021, Amazon was still listing thousands of the dangerous and
4 falsely advertised batteries on its site, including those that Amazon knows pose safety risks.
5 Amazon customers who purchased the counterfeit batteries, have posted negative reviews and
6 photos demonstrating how the batteries have burned or exploded. Despite this, and being on
7 notice by virtue of the negative reviews, Amazon continues to directly sell, advertise, and market
8 the defective and dangerous batteries. (*See Exhibits F-I*)

9 39. For example, the following product is available for sale by Amazon: Rollerhouses
10 7.4 Volt Rechargeable Battery 18650 Pack 2000mAh Li - Ion with Wire and JST Connector.
11 Amazon customer Bobby A. left a one star review for the product on June 25, 2021, stating that:
12 “Completely junk. Ordered this battery and waited a week for it to get here. I checked the
13 voltage on the battery when it arrived and it was at ”0” volts. I had no idea how long this battery
14 had been stored at "0" volts but that is always a bad sign. I tried charging the battery anyway just
15 to satisfy my suspension and sure enough it is junk. I don't recommend these batteries.”

16 40. Amazon also has ongoing notice and knowledge of the deceptive, and dangerous
17 nature of the batteries, due to the number of negative reviews submitted by Plaintiff Craig
18 Crosby and other Amazon customers. Since May 3, 2021, Mr. Crosby has submitted at least
19 seven negative reviews to Amazon for defective and dangerous lithium-ion 18650 batteries.
20 Nevertheless, Amazon has blocked and refused to post any of Mr. Crosby’s negative reviews
21 about the batteries. Amazon’s refusal to submit a review also shows it knew or should have
22 known about its unfair and/or deceptive practice.

23 41. Despite this knowledge, Amazon refuses to remove the defective and dangerous
24 products and fraudulently advertised lithium-ion batteries sold on its website. Instead Amazon
25 re-lists and continues to sell and use misleading product photos to obscure the defective and
26 dangerous nature of lithium-ion battery products.

1 **C. Defective Lithium-Ion 18650 Batteries Pose Serious Risk Of Injury**

2 42. Amazon also fails to adequately inform consumers of above-listed problems with
3 the batteries for sale on their website.

4 43. Amazon’s deceptive and/or unfair sale of lithium-ion 18650 batteries are often
5 accompanied by misleading claims of safety protections, including that the batteries contain
6 “short-circuit protection,” “overcharge and under-charge protection,” “high and low voltage
7 cutoff,” “venting,” “BRC protection circuit” or that batteries are “new” in the product listing,
8 and/or on the individual item and accompanying chargers. Notably, the batteries often fail to
9 contain any of the safety features advertised.

10 44. Legitimate rechargeable batteries possess internal safety measures to minimize
11 the risks inherent in lithium-ion batteries generally, and maximize the life of the battery.
12 Standard safety measures may include automatic shut off switches for batteries at both maximum
13 and minimum charge. These measures reduce the risk of injury, from overheating, fire or
14 explosion while charging, discharging, or in the event of a short circuit.

15 45. Defective rechargeable lithium-ion 18650 batteries sold by Amazon often do not
16 possess the proper, adequate, or often any safety measures found in genuine lithium-ion batteries.
17 Absent any or all of these protective features, lithium-ion 18650 batteries pose a high risk of
18 explosion or igniting.

19 46. On January 8, 2021, The U.S. Consumer Product Safety Commission warned
20 consumers not to buy or use loose 18650 lithium-ion batteries that are separated from battery
21 packs, because they are potentially hazardous when handled, transported, stored, charged, or
22 used to power devices.¹

23
24 ¹ United States Consumer Product Safety Commission, “CPSC Issues Consumer Safety Warning:
25 Serious Injury or Death Can Occur if Lithium-Ion Battery Cells Are Separated from Battery Packs
26 and Used to Power Devices”, [https://www.cpsc.gov/content/cpsc-issues-consumer-safety-
warning-serious-injury-or-death-can-occur-if-lithium-ion-battery](https://www.cpsc.gov/content/cpsc-issues-consumer-safety-warning-serious-injury-or-death-can-occur-if-lithium-ion-battery)

1 47. Amazon knows the risk of injury that defective lithium-ion 18650 batteries pose
2 to consumers, but continues to market, sell, and advertise deceptive lithium-ion 18650 batteries
3 in a way which mischaracterizes that risk.

4 **D. Plaintiffs Purchased Amazon Products Containing Defective Lithium-Ion 18650**
5 **Batteries**

6 48. Plaintiffs collected data on counterfeit lithium-ion 18650 batteries and products
7 containing the batteries purchased on Amazon by tabulating the available reviews. From May 3,
8 2021 to August 1, 2021, the reviews revealed that 72,434 lithium-ion 18650 batteries and
9 products with the batteries were reported sold by Amazon. This data is based only on the reviews
10 of items purchased, not actual items purchased, and represents only a very small fraction of the
11 counterfeit lithium-ion 18650 batteries sold by Amazon. Many of these reviews were negative,
12 indicating that the batteries were defective and/or dangerous. (*See e.g.* Exhibits F-I).

13 49. From June through July 2021, Plaintiff Craig Crosby purchased eight products
14 from Amazon containing deceptive and/or defective lithium-ion 18650 batteries that were
15 advertised with a number of false and misleading statements, including about their battery
16 capacity. Upon receipt of the batteries, Mr. Crosby conducted energy tests of the batteries and
17 determined that Amazon had misrepresented the capacity of a number of the batteries. Amazon
18 also made several other misrepresentations, including that products contained authentic CREE
19 LEDs, produced particular lumens, or lasted up to 100,000 hours. A number of the products,
20 however, did not arrive as advertised, did not work at all, or failed to include the advertised
21 batteries or the batteries failed to hold a charge.

22 50. From June through July 2021, Plaintiff Chris Johnson purchased three products
23 from Amazon containing defective and deceptive lithium-ion 18650 batteries. Upon receipt of
24 the products, Mr. Johnson conducted energy tests of the batteries and determined that Amazon
25 had made numerous false and deceptive statements regarding the products. These products were
26 all purchased after May 3, 2021, the date that Amazon dropped its arbitration requirement.

1 51. As of July 28, 2021, Amazon was still listing thousands of the dangerous and
 2 falsely advertised batteries on its site, including those that Amazon knows pose safety risks.

3 52. Plaintiffs purchased the following products from Amazon containing unfairly
 4 marketed, defective, and dangerous lithium-ion 18650 batteries:

<u>Product Purchased by Craig Crosby</u>	<u>Purchase Date</u>	<u>Price</u>	<u>Advertised Capacity</u>	<u>Actual Capacity</u>
Tokeyla 18650 flashlight 5 modes with one pack two-Slot charger and 8 pcs 18650 rechargeable battery 5000mAh button top batter for general purpose ASIN B08C9Q2FZK	June 4, 2021	Amazon Direct Seller: \$22.30 before tax and shipping.	Eight 18650 lithium-ion rechargeable batteries with 5000mAh capacity.	Four batteries tested at 1726mAh, 1654mAh, 1799mAh, 1631mAh. Four batteries retained in original shrink wrap packaging.
Tokeyla Full Metal 5 Modes Tactical Flashlight with 4-Pack 18650 Rechargeable Batteries and USB Charger Super Bright high Lumen Handheld Flashlight ASIN B089LNM5B8	June 4, 2021	Amazon Direct Seller: \$18.96 before tax and shipping.	Four 18650 lithium-ion rechargeable batteries with 5800mAh capacity.	All batteries tested at 1049mAh, 958,mAh, 881mAh, 906mAh.

1 2 3 4 5 6 7 8 9 10 11	Goreit Rechargeable Flashlight, LED Tactical Flashlight with 18650 Battery & USB Charger, Super Bright 900 Lumens CREE LED, Zoomable, 5 Light Modes, Water Resistant, Military Torch For Camping, Emergency ASIN B07H8JWZ3V	June 5, 2021	Amazon Direct Seller: \$16.26 before tax and shipping.	One 18650 lithium- ion battery with 4000mAh capacity.	The battery tested at 1890mAh.
12 13 14 15 16 17 18	The Revenant Super Bright LED Headlamp 4 Modes 3 CREE XM-L T6 Waterproof & Lightweight Camping Outdoor Sports Headlight ASIN B01KVSMBK2	June 5, 2021	Amazon Direct Seller: \$13.46 before tax and shipping.	Four 18650 lithium-ion rechargeable batteries with 5000mAh capacity.	Two batteries tested at 39mAh, 39mAh. Two batteries retained in original shrink wrap packaging.
19 20 21 22 23 24 25 26	ZXLN Portable LED Work Light, COB LED Work Light 20W, Rechargeable Outdoor Work Light, 4000mAh Power Bank for Hiking, Car Repairing, Builtin SOS Emergency Mode (Free 2X18650 Lithium Batteries)	June 11, 2021	Amazon Direct Seller: \$16.19 before tax and shipping.	Two 18650 lithium- ion rechargeable batteries with 4000mAh capacity.	The product was delivered with blue 2000mAh batteries, not the red 4200mAh batteries as advertised, item was returned for a refund.

1	ASIN				
2	B07NQ7FGTN				
3	Father's Day Dad	June 11,	Amazon	One 18650 lithium-	The battery tested
4	Gifts Led	2021	Direct Seller:	ion rechargeable	at
5	Flashlight High		\$14.71	battery with	1326mAh.
6	Lumens 4000		before tax and	5800mAh capacity.	
7	LED Tactical		shipping.		
8	Rechargeable				
9	Flashlight 5				
10	Modes with				
11	Battery Zoomable				
12	Water Resistant				
13	for Hiking Biking				
14	Camping Outdoor				
15	Emergency Daily				
16	Flashlight				
17	ASIN				
18	B08J42DCQ4				
19	Super Bright	July 8,	Amazon	Six 18650 lithium-	The batteries
20	2000 Lumen	2021	Direct Seller:	ion rechargeable	tested at
21	18650 Tactical		\$18.39	batteries with	1242mAh,
22	Flashlight and 6x		before tax and	5800mAh capacity.	1033mAh,
23	3.7V		shipping.		1209mAh,
24	Rechargeable				1264mAh,
25	High-Capacity				1234mAh,
26	Battery with				1258mAh.
27	Batteries Charger,				
28	Adjustable Focus				
29	and 5 Light				
30	Modes Handheld				
31	Flashlight for				
32	Camping Hiking				
33	ASIN				
34	B08GKYBZPC				
35	Headlamp,	July 8,	Amazon	Two 18650 lithium-	Initial test of the
36	Headlight, Hard	2021	Direct Seller:	ion rechargeable	batteries revealed
37	Hat Light 2000		\$18.92	batteries with	39mAh and
38	Lumens		before tax and	5000mAh capacity.	70mAh capacity.
39	IMPROVED		shipping.		
40	Cree Led Ultra				
41	Bright				Second test of the
42					batteries revealed

1 2 3 4 5 6 7 8	Rechargeable Waterproof Flashlight Head Light for Camping, Outdoors (Charging equipment and Battery) included (Silver) ASIN B07ZFWDBL6			38mAh and 52mAh capacity.
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<u>Product Purchased by Christopher Johnson</u>	<u>Purchase Date</u>	<u>Price</u>	<u>Advertised Capacity</u>	<u>Actual Capacity</u>
12 13 14 15 16 17 18 19 20	Led Flashlight High Lumens 4000 LED Tactical Rechargeable Flashlight 5 modes with Battery Zoomable Water Resistant for Hiking Biking Camping Outdoor Emergency Daily Flashlight ASIN B08J42DCQ4	June 9, 2021	Amazon Direct Seller: \$14.99 before tax and shipping.	One 18650 lithium- ion rechargeable battery with a claimed capacity of 5800mAh capacity. The battery tested at 891mAh.
21 22 23 24 25 26	Tokeyla LED 18650 Flashlight, Including 6PCS Battery Charger, Water Resistant, Zoomable, 5 Modes Flashlight for Camping, Outdoor, Emergency,	June 9, 2021	Amazon Direct Seller: \$22.07 before tax and shipping.	Six 18650 lithium- ion rechargeable batteries with 5000mAh capacity. All six batteries were sealed in shrink wrap. A random sample cell was Tested and found to have a capacity of 844mAh.

1 **VII. CAUSES OF ACTION**

2 **FIRST CAUSE OF ACTION**

3 **(Violation Of The Washington Consumer Protection Act,**

4 **RCW Section 19.86.010 *et seq.*,**

5 **(On behalf of Plaintiffs and the Class)**

6 53. Plaintiffs incorporate the allegations in preceding paragraphs as if fully set forth
7 herein in full.

8 54. The Washington consumer Protection Act, RCW 19.86 *et seq.*, provides
9 consumers with a comprehensive procedure for redressing Defendants' unfair or deceptive
10 business practices.

11 55. Under the Washington Consumer Protection Act, an out-of-state plaintiff may
12 bring a claim under the Washington Consumer Protection Act against a Washington-based
13 corporation with its headquarters location in Washington state for its unfair and/or deceptive
14 acts.

15 56. Defendant's acts and omissions as alleged herein violate the Washington CPA
16 because they: (1) are unfair or deceptive acts or practices; (2) are committed in the course of
17 Defendants' business; (3) affects the public interest; and (4) have caused injury to (5) Plaintiffs
18 in their business and/or property and to the members of the Class.

19 57. Amazon's above-described conduct in failing to disclose and concealing the,
20 unfair, defective and/or dangerous nature of lithium-ion batteries sold on their website
21 constitutes an unfair trade practice, and unfair and/or deceptive acts and practices, within the
22 meaning of the Washington Consumer Protection Act, RCW 19.86 *et. seq.*

23 58. Amazon's above-described conduct affects the public interest because it affected
24 and injured or had the capacity to injure a substantial portion of the purchasing public. The
25 conduct complained of is capable of repetition and will likely affect other consumers.
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840 Malcolm Road
Burlingame, CA 94010
Telephone: (650) 697-6000
Facsimile: (650) 697-0577

Attorneys for Plaintiffs and the Proposed Class

EXHIBIT A



Tokeyla 18650 flashlight 5 modes with one pack two-Slot charger and 8 pcs 18650 rechargeable battery 5000mAh button top battery for general purpose



power up your devices for long time

See more product details

EXHIBIT B

o results



Roll over image to zoom in

Tokeyla Full Metal 5 Modes Tactical Flashlight with 4-Pack 18650 Rechargeable Batteries and USB Charger Super Bright high Lumen Handheld Flashlight

Visit the Tokeyla Store

★★★★★ 920 ratings | 24 answered questions

Amazon's Choice for "18650 battery and charger combo p..."

Get \$50 off instantly: Pay \$0.00 \$18.96 upon approval for the Amazon Rewards Visa Card. No annual fee.

Available at a lower price from other sellers that may not offer free Prime shipping.

Only 1 left in stock - order soon.

Color: **Brown**

- Durability, made of military grade aluminum, works well in any conditions.
- Resistant, water and shock resistant, can be used in the rain, snow situation.
- Arrangement & zoomable: 5 mode high / middle / low / flash / strobe , zoom by pulling the head of the flashlight.
- Smart charger: fit for 18650/18490/17670/17600 /16340/14500/ rechargeable lithium batteries; the indicator light on charger is red when the battery is charging and is green when charge fully.
- Tactical, full metal, and practical design makes it a perfect for camping, fishing, hunting or dog walking.

Buy used: \$18

Get Fast, Free Shipping with Amazon Prime

FREE delivery: Monday, Jun 14 on orders over \$25.00 shipped by Amazon. Details

Select delivery location

Used: Very Good | Details Sold by Amazon Warehouse Fulfilled by Amazon

Add to Cart

Add to List

Share [Email] [Facebook] [Twitter] [Pinterest]

EXHIBIT C

Hello Select your address

All 18650



Hello, Sign in Account & Lists

Returns & Orders

Zoomable Mini and Portable



Super Bright 2000 Lumen
18650 Tactical Flashlight and
6x 3.7V Rechargeable High-
Capacity Battery with
Batteries Charger, Adjustable
Focus and 5 Light Modes...



or gets wet. Adjustable focus with 5 modes: High, Medium, Low, Strobe, and SOS /Emergency protect your safety.

EXHIBIT D



Headlamp,Headlight,Hard Hat Light 20000 Lumens IMPROVED Cree Led Ultra Bright Rechargeable Waterproof Flashlight Head Light for Camping,Outdoors(Charging...



night walking or cycling:
* [AMERICAN DESIGN, ENGINEER TESTED] Looking for a durable, long lasting, Cree headlamp? Molo's bright headlamp is in a class of

EXHIBIT E

o results

Support Multiple Appliances



Roll over image to zoom in

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Buy used: \$18.96

Get Fast, Free Shipping with Amazon Prime

FREE delivery: Monday, Jun 14 on orders over \$25.00 shipped by Amazon. Details

Select delivery location

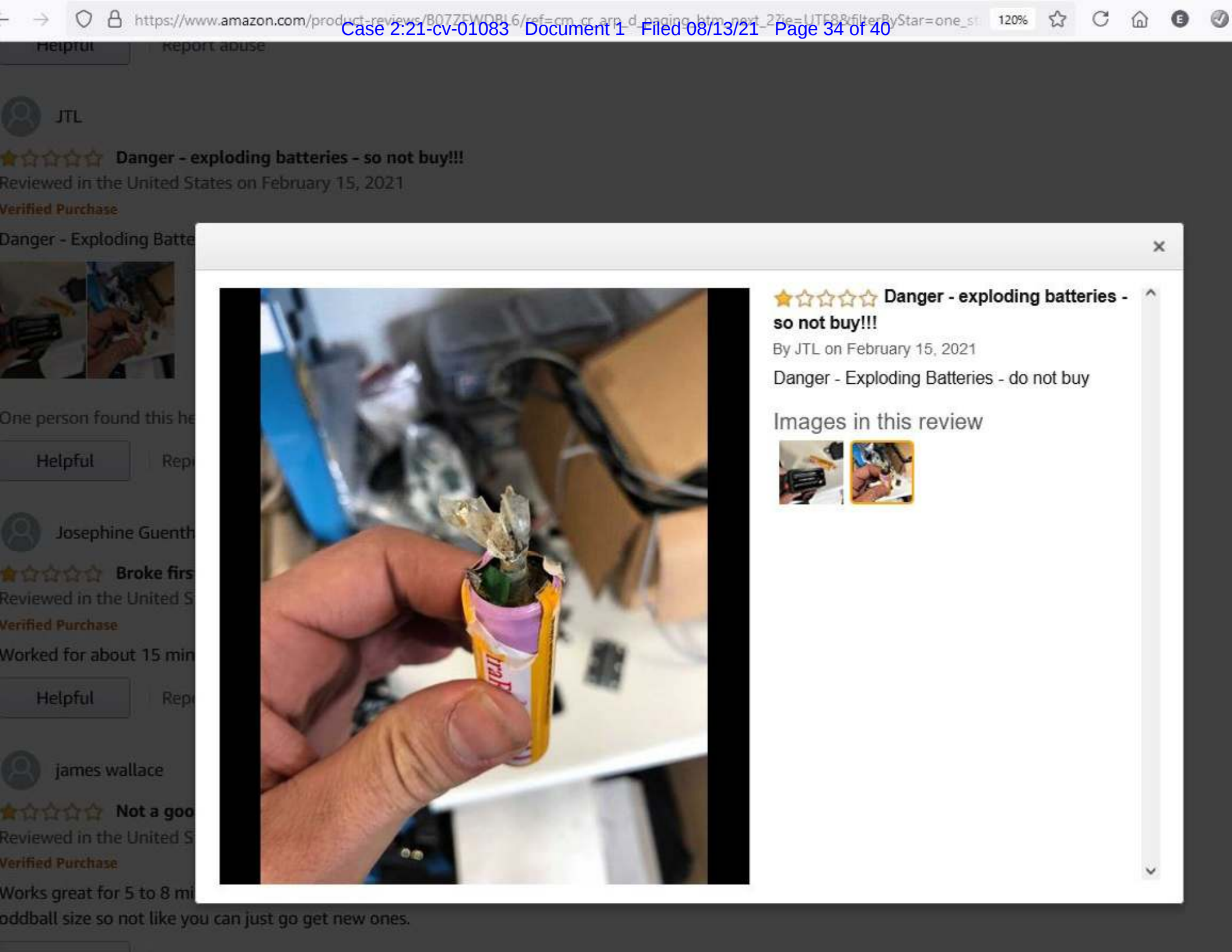
Used: Very Good | Details
Sold by Amazon Warehouse
Fulfilled by Amazon

Add to Cart

Add to List

Share [Email] [Facebook] [Twitter] [Pinterest]

EXHIBIT F





✕

★★★★★ **Danger - exploding batteries - so not buy!!!**

By JTL on February 15, 2021

Danger - Exploding Batteries - do not buy

Images in this review



^

▼

EXHIBIT G

JTL

★☆☆☆☆ **Danger - exploding batteries - so not buy!!!**

Reviewed in the United States on February 15, 2021

Verified Purchase

Danger - Exploding Batteries - do not buy



One person found this helpful

Helpful | Report abuse

Josephine Guenther

★☆☆☆☆ **Broke first use**

Reviewed in the United States on June 4, 2021

Verified Purchase

Worked for about 15 minutes. Never worked again. Tried charging it, changing batteries, etc.

Helpful | Report abuse

james wallace

★☆☆☆☆ **Not a good deal**

Reviewed in the United States on October 21, 2020

Verified Purchase

Works great for 5 to 8 minutes then batteries start going dead. The light is great but batteries are junk. They are an oddball size so not like you can just go get new ones.

Helpful | Report abuse

harbinger

★☆☆☆☆ **Product will be returned**

Reviewed in the United States on January 17, 2021

Verified Purchase

EXHIBIT H

Search customer reviews

Search

Sort by: Top review... Filter by: All reviewers, 1 star only, Text, image, ...

Filtered by: 1 star Clear filter, 9 global ratings | 51 global ratings, translate all reviews to English, from the United States, Leonel de León, Mal product reviewed in the United States, Verified Purchase



★★★★★ Battery Compartment Blew up

By George H on April 3, 2021

Left headlamp on charge one night and came back the next morning to find the battery had exploded with such force it blew the back off of the battery compartment. There was paper confetti on the floor around my desk that looks to have been inside the exploded battery. Purchased this headlamp in Feb 2021 and at most the headlamp was used 3 times.

Seller offered to replace it but gave no information as to how to contact him with a shipping address. Send a 2nd message and received the same canned response. I don't see much happening at this point.

Images in this review



EXHIBIT I

 George H

★☆☆☆☆ **Battery Compartment Blew up**

Reviewed in the United States on April 3, 2021

Verified Purchase

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5 people found this helpful

Helpful

Report abuse

 lonora

★☆☆☆☆ **Will not hold a charge**

Reviewed in the United States on December 14, 2020

Verified Purchase

I was very disappointed in this like you charge it completely within 30 minutes it's already starting to die

6 people found this helpful

Helpful

Report abuse

 David DeGrood

★☆☆☆☆ **Didn't Last Long!**

Reviewed in the United States on May 2, 2021

Verified Purchase

I purchased two of this head lamp. One stopped working after just a few hours use. I thought maybe it wasn't fully charged, and when I plugged it up to charge, the light came on. Unplug it, it wouldn't work. Stayed this way. So, I opened up the other one I had purchased. It worked fine for several weeks, but started falling apart. I guess these head lamps need to be babied to last. They're not durable enough for daily use. With my job, they're not for me.