

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RYAN EDMUNDSON, individually and)	
on behalf of others similarly situated,)	
)	
Plaintiff,)	Case No. 1:19-cv-05835
)	
v.)	JURY DEMANDED
)	
AMAZON.COM, INC.,)	
)	
Defendant.)	

CLASS ACTION COMPLAINT

NOW COMES Plaintiff, RYAN EDMUNDSON (hereinafter “Edmundson” or “Plaintiff”), individually and on behalf of the proposed class, by and through his attorneys, Blaise & Nitschke, P.C., and submits his class action complaint against AMAZON.COM, INC. (hereinafter “AMAZON” or “Defendant”). In furtherance whereof, Plaintiff states as follows:

NATURE OF THE CASE

1. This is a consumer class action based upon Defendant’s violation of the Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/1, *et seq.* and violation of the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, *et seq.* Specifically, Defendant is selling banned, unsafe, mislabeled and/or recalled products on its website, thereby endangering the health, safety and welfare of the consuming public.

PARTIES

2. Plaintiff RYAN EDMUNDSON is an individual, and at all times mentioned in this Complaint, was residing in Skokie, Illinois, Cook County.

3. Defendant AMAZON.COM, INC. is Foreign Limited Liability Company incorporated in Delaware with its corporate headquarters and principal place of business at 1200

12th Avenue South, Suite 1200, Seattle, Washington 98114-2734 and registered to conduct business in the State of Illinois and maintains a registered agent for service of process in the State of Illinois, namely Illinois Corporation Service C, 701 Adlai Stevenson Drive, Springfield, IL 62703.

JURISDICTION AND VENUE

4. This Court has diversity jurisdiction pursuant to 28 U.S.C. §1332 (a) because the parties are citizens of different states and the amount in controversy exceeds the sum or value of \$75,000.00.

5. Venue is appropriate in the United States District Court for the Northern District of Illinois pursuant to 28 U.S.C. §1391 (b) because a substantial part of the events giving rise to the claims alleged herein occurred in this judicial district.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §1367, which gives the district court supplemental jurisdiction over state law claims.

STATEMENT OF FACTS

7. AMAZON has consistently abused its market power to sell thousands of banned, unsafe, mislabeled and/or recalled products to the unknowing consuming public.

8. A Wall Street Journal investigation found 4,152 items for sale on Amazon.com, Inc.'s site that have been declared unsafe by federal agencies, that are deceptively labeled, or that are banned by federal regulators—items that big-box retailers' policies would bar from their shelves. Among those items, at least 2,000 listings for toys and medications lacked warnings about health risks to children. *See* <https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mislabeled-products-11566564990?ns=prod/accounts-wsj>.

9. The Wall Street Journal identified at least 157 items for sale that AMAZON had said it banned, including sleeping mats the Food and Drug Administration warns can suffocate infants. The Journal commissioned tests of 10 children's products it bought on Amazon.com, many promoted as "Amazon's Choice." Four failed tests based on federal safety standards, according to the testing company, including one with lead levels that exceeded federal limits. *See* <https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mislabeled-products-11566564990?ns=prod/accounts-wsj>.

10. Jeffrey P. Bezos, the Founder and Chief Executive Officer of Amazon, wrote to the company's shareholders in 2018, stating the importance of third party sellers to the Amazon platform as follows:

To our shareowners: Something strange and remarkable has happened over the last 20 years. Take a look at these numbers:

- 1999-3%;
- 2000-3%;
- 2001- 6%
- 2002 -17%
- 2003- 22%
- 2004 -25%
- 2005- 28%
- 2006 -28%
- 2007- 29%
- 2008 -30%
- 2009 -31%
- 2010 -34%
- 2011- 38%
- 2012 -42%
- 2013 -46%
- 2014 -49%
- 2015- 51%
- 2016 -54%
- 2017- 56%
- 2018- 58%

See https://amazonir.gcs-web.com/static-files/4f64d0cd-12f2-4d6c-952e-bbed15ab1082?mod=article_inline. Bezos went on to state: “The percentages represent the share of physical gross merchandise sales sold on Amazon by independent third party sellers – mostly small- and medium-sized businesses – as opposed to Amazon retail’s own first party sales. Third-party sales have grown from 3% of the total to 58%. To put it bluntly: Third-party sellers are kicking our first party butt. Badly.” *Id.*

12. Third-party sellers are crucial to Amazon because their sales have exploded—to nearly 60% of physical merchandise sales in 2018 from 30% a decade ago, Amazon says. See <https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mislabeled-products-11566564990?ns=prod/accounts-wsj>.

13. To test the effectiveness of Amazon’s safety practices, the Wall Street Journal analyzed listings on Amazon between May and early August, and hired a federally certified testing company to examine certain items bought on Amazon. Among the findings:

- 116 products were falsely listed as “FDA-approved” including four toys—the agency doesn’t approve toys—and 98 eyelash-growth serums that never undertook the drug-approval process to be marketed as approved.
- 43 listings for oral benzocaine, a pain reliever, lacked advised FDA labels warning against use on children under 2.
- 80 listings matched the description of infant sleeping wedges the FDA has warned can cause suffocation and Amazon has said it banned.
- 52 listings were marketed as supplements with brand names the FDA and Justice Department have identified as containing illegally imported prescription drugs.
- 1,412 electronics listings falsely claimed to be UL certified—indicating they met voluntary industry safety standards—or didn’t provide enough information to verify the claim.
- The Journal analyzed 3,644 toy listings for federally required choking-hazard warnings. Regulators don’t provide databases of toys requiring the warning, so the Journal compared the Amazon listings with the same toys on Target.com and found that 2,324, or 64%, of the Amazon listings lacked the warnings found on the Target listings.

- In addition to the 4,152 items, the Journal initially found 4,510 balloons lacking required choking-hazard warnings listed.

See <https://www.wsj.com/articles/amazon-has-ceded-control-of-its-site-the-result-thousands-of-banned-unsafe-or-mislabeled-products-11566564990?ns=prod/accounts-wsj>

14. Plaintiff purchased Numb-ify Numbing Cream 5% Lidocaine Extra Strength Anesthetic - Numb-ify's Strongest/Best Pain Relief & Numbing Cream (2oz) from a third party seller to his detriment as the product was recalled by the United States Consumer Product Safety Commission on or about November 1, 2018. See United States Consumer Products Safety Commission's *Pain Relief Naturally Recalls Pain and Itch Relief Creams, Sprays and Gels Due to Failure to Meet Child Resistant Closure Requirement; Risk of Poisoning (Recall Alert)* attached hereto and incorporated herein as Exhibit A.

15. Plaintiff purchased Gillette Simply Venus 3 Blade Disposable Razors 4 Each (Pack of 9) from a third party seller to his detriment as the product was recalled on or about June 27, 2019 by the United States Consumer Product Safety Commission. See United States Consumer Products Safety Commission's Recall: *Gillette Recalls Venus Simply 3 Disposable Razors Due to Laceration and Injury Hazards* attached hereto and incorporated herein as Exhibit B.

16. To the extent that AMAZON asserts that any waiver of class action claims and/or enforcement of arbitration clause(s) are applicable to the allegations contained in this Complaint, Plaintiff contends that such provisions are not enforceable as to Plaintiff given AMAZON'S non-compliance with its own conditions of use and/or are void as against public policy given AMAZON'S fraudulent and/or deceptive business practices operating to the detriment of consumers.

COUNT I (Class)

**Violation of the Illinois Consumer Fraud and Deceptive Business Practice
815 ILCS 505/1, *et seq.***

17. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this Complaint.
18. Plaintiff brings this claim individually and on behalf of the following putative class:
- All persons having purchased in the State of Illinois or for delivery to any address in Illinois any recalled products pursuant to the United States Consumer Product Safety Commission’s website cpsc.gov within the past three years from September 1, 2016 through September 1, 2019 (the “Class”)**
19. The Class is so numerous that joinder of all individual members in one action would be impracticable, given the expected Class size and modest value of individual claims.
20. On information and belief, there are more than 1,000 persons meeting the above-referenced Class definition. Class members can be identified through Defendant’s records.
21. Plaintiff’s claims are typical of the claims of the Class members, as they are based on the same legal theory and arise from the same unlawful conduct.
22. There are common questions of law and fact affecting members of the Class, which common questions predominate over questions that may affect individual members. These common questions include, but are not limited to:
- a. Whether Defendant sells recalled products on Amazon.com;
 - b. Whether third party sellers place for sale recalled products on Amazon.com;
 - c. Whether Defendant has any policies or procedures in place to safeguard purchasers against inadvertently purchasing recalled, dangerous, and/or expired products from Amazon.com; and

d. Whether third party sellers are required to execute agreements with Amazon to ensure the safety of the products.

23. Plaintiff will fairly and adequately represent the Class members. Plaintiff has no interests that conflict with the interests of Class members. Plaintiff has retained counsel experienced in handling consumer cases and class actions. Neither Plaintiff nor his counsel has any interests that might cause them not to pursue these claims vigorously.

24. This action should be maintained as a class action because the prosecution of separate actions by individual Class members would create a risk of inconsistent or varying adjudications with respect to individual members that would establish incompatible standards of conduct for the parties opposing the Class.

25. That at all times relevant herein, there existed in full force and effect the Consumer Fraud and Deceptive Business Practices Act, 815 ILCS § 505/1 *et seq.* (hereinafter “The Act”).

26. The Act makes it unlawful to employ:

“[u]nfair methods of competition and unfair or deceptive acts or practices, including but not limited to the use or employment of any deception fraud, false pretense, false promise, misrepresentation or the concealment, suppression or omission of any material fact, with intent that others rely upon the concealment, suppression or omission of such material fact ... in the conduct of any trade or commerce.”

815 ILCS 505/2.

27. As detailed throughout Plaintiff’s Complaint, AMAZON has committed deceptive practices in performing the acts described herein and failing to perform the acts described herein because these practices were unfair, unlawful, and/or fraudulent.

28. As a proximate cause of Defendants deceptive business practices as alleged herein, Plaintiffs have suffered an injury in fact having lost or deprived of money or property in

an amount to be proven at trial. AMAZON's conduct in violation of the Act has caused and continues to cause actual and substantial damage to Plaintiff individually and on behalf of the proposed Class.

29. AMAZON's unfair, unlawful, or fraudulent acts and practices present a continuing threat to Plaintiffs and to members of the public in that these acts and practices are ongoing and are harmful and disruptive to consumers.

30. As a direct and proximate result of the aforementioned acts and practices, AMAZON has taken and received and continues to hold, as ill-gotten gains, monies owing to and owned by consumers, which should be restored to its rightful owners, Plaintiff and the proposed class.

31. AMAZON's lack of quality controls are ongoing, continue to the present, and will continue unless relief enjoining these practices is granted. Plaintiffs have no adequate remedy at law as to AMAZON'S ongoing practices.

COUNT II (Class)
Violation of the Illinois Uniform Deceptive Trade Practices Act
815 ILCS 510/2, *et seq.*

32. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this Complaint.

33. Plaintiff brings this claim individually and on behalf of the proposed class against Defendant.

34. The Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, *et seq.* makes it unlawful to "cause likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services." 815 ILCS 510/2(a)(2). It is also

unlawful to cause likelihood of confusion or of misunderstanding as to affiliation, connection, or association with or certification by another.” 815 ILCS 510/2(a)(3).

35. The Illinois Uniform Deceptive Trade Practices Act makes it unlawful to “advertise goods or services with intent not to sell them as advertised.” 815 ILCS 510/2(a)(9). It is also unlawful to “engage in any other conduct which similarly creates a likelihood of confusion or misunderstanding.” *Id.* at (a)(12).

36. Defendant violated and continues to violate Section 510/2 of the Illinois Uniform Deceptive Trade Practices Act by selling recalled products on Amazon.com. AMAZON’s misrepresentations about its quality of products places consumers in danger.

37. Plaintiff and the proposed class were damaged by AMAZON’s selling of recalled products and their subsequent sales of third party sellers on the site. Plaintiff and the proposed class would not have purchased such products had true facts been known.

COUNT III
ACTION FOR TEMPORARY RESTRAINING ORDER (“TRO”) AND PRELIMINARY
AND PERMANENT INJUNCTION

38. Plaintiff hereby incorporates by reference the allegations contained in all preceding paragraphs of this Complaint.

39. Plaintiff seeks the entry of a temporary restraining order and a preliminary and permanent injunction to return the Parties to, and to maintain the status quo that existed and was to exist among the Parties, including but not limited to:

- a. requiring that Amazon immediately cease and desist selling recalled products on Amazon.com;
- b. requiring that Amazon immediately remove all recalled products on Amazon.com from its website such that they are unavailable for purchase; and

- c. requiring that Amazon immediately issue a public statement on its website regarding their plan to cease and desist sale of recalled products.

40. Injunctive relief to return the Parties to the status quo ante is appropriate under the circumstances because Defendants have been selling banned, unsafe, recalled and/or mislabeled products to the unknowing consuming public.

41. The selling banned, unsafe, recalled and/or mislabeled products to the unknowing consuming public cannot be remedied by an award of money damages or through the granting of other relief.

42. Plaintiff has suffered, and will continue to suffer, immediate and irreparable harm by reason of the conduct described above. Such immediate and irreparable harm includes, but is not limited to, physically being endangered or endangering others as a result of the selling banned, unsafe, recalled and/ or mislabeled products to the unknowing consuming public.

43. Plaintiff does not have an adequate remedy at law to protect and re-establish the rights which currently have been, and continue to be, violated by Defendant's actions. Plaintiff's rights cannot be obtained except through injunctive relief returning the Parties to the status quo ante.

44. Entering the injunctive relief the Plaintiff is seeking will cause the Defendant no economic harm. Defendant has no right, whatsoever, to sell banned, unsafe, recalled and/or mislabeled products to the unknowing consuming public.

45. Defendant will suffer no loss, economic or otherwise, if compelled to act in accordance with the law, by refraining from selling banned, unsafe, recalled and/or mislabeled products to the unknowing consuming public.

There is a reasonable likelihood that the Plaintiff will succeed on the merits of his claims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff RYAN EDMUNDSON, individually and on behalf of the proposed class, by and through his attorneys, Blaise & Nitschke, P.C., prays this Court enter judgment in favor of Plaintiffs and against Defendant, AMAZON.COM, INC. in an amount to be proven at trial, grant a TRO and preliminary injunction pending a full hearing on the merits returning the Parties to the status quo ante, and such other relief as the Court deems just, proper, and equitable, including but not limited to compensatory damages, consequential damages, punitive damages, pre-judgment interest, costs and expenses of suit, and such reasonable attorneys' fees as the law may permit.

JURY DEMAND

Plaintiff respectfully demands a trial by jury of all matters so triable.

DOCUMENT PRESERVATION DEMAND

Plaintiff hereby demands that each defendant take affirmative steps to preserve all recordings, data, documents, and all other tangible things that relate to plaintiff, the events described herein, any third party associated with sale of recalled products. These materials are likely very relevant to the litigation of this claim. If defendant is aware of any third party that has possession, custody, or control of any such materials, plaintiff demands that defendant request that such third party also take steps to preserve the materials. This demand shall not narrow the scope of any independent document preservation duties of the defendant.

NOTICE OF LIEN AND ASSIGNMENT

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards. All rights relating to attorney's fees have been assigned to counsel.

Respectfully submitted,
Plaintiff, RYAN EDMUNDSON,

By: /s/ Heather L. Blaise
One of his attorneys

Blaise & Nitschke, P.C.
123 N. Wacker Drive, Suite 250
Chicago, Illinois 60606
T: (312) 448-6602
F: (312) 803-1940
hblaise@blaisenitschkelaw.com
ARDC No. 6298241

CERTIFICATE OF SERVICE

The undersigned certifies that on August 29, 2019, she caused the foregoing instrument to be electronically filed with the Clerk of the United States District Court for the Northern District of Illinois using the CM/ECF system.

/s/ Heather L. Blaise
Heather L. Blaise

Blaise & Nitschke, P.C.
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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Ryan Edmundson, individually and on behalf of others similarly situated

(b) County of Residence of First Listed Plaintiff Cook Co., Illinois (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Blaise & Nitschke, P.C. 123 N. Wacker Drive, Suite 250, Chciago, Illinois 60606 T: (312) 448-6602

DEFENDANTS

Amazon.com, Inc.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question, 4 Diversity

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF, DEF, Incorporated or Principal Place of Business In This State, Incorporated and Principal Place of Business In Another State, Foreign Nation

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and checkboxes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation

VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and write a brief statement of cause.)

28 U.S.C. §1332(a): Diversity - deceptive business practices

VII. Previous Bankruptcy Matters (For nature of suit 422 and 423, enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this Court. Use a separate attachment if necessary.)

VIII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

In excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes No

IX. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

X. This case (check one box)

Is not a refiling of a previously dismissed action is a refiling of case number previously dismissed by Judge

DATE September 26, 2018

SIGNATURE OF ATTORNEY OF RECORD /s/ Heather L. Blaise

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the six boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. Do not cite jurisdictional statutes unless diversity. Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. Previous Bankruptcy Matters For nature of suit 422 and 423 enter the case number and judge for any associated bankruptcy matter previously adjudicated by a judge of this court. Use a separate attachment if necessary.

VIII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P. Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

IX. Related Cases. This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

X. Refiling Information. Place an "X" in one of the two boxes indicating if the case is or is not a refiling of a previously dismissed action. If it is a refiling of a previously dismissed action, insert the case number and judge.

Date and Attorney Signature. Date and sign the civil cover sheet.



United States
CONSUMER PRODUCT SAFETY COMMISSION

Pain Relief Naturally Recalls Pain and Itch Relief Creams, Sprays and Gels Due to Failure to Meet Child Resistant Closure Requirement; Risk of Poisoning (Recall Alert)



Recall Summary

Name of product:

Numbify, Extra Strength Numbify, Pre-TAT Tattoo, Superior Pain & Itch Relief & Soothing Sore Relief creams, sprays and gels

Hazard:

The packaging is not child resistant as required by the Poison Prevention Packaging Act. The pain and itch relief creams, sprays and gels contain lidocaine, posing a risk of poisoning to young children if they put it on their skin or ingest it.

Remedy:

EXHIBIT A

Repair

Recall date:

November 1, 2018

Units:

About 7,000

Consumer Contact:

Pain Relief Naturally toll-free at 877-906-4806 from 9 a.m. to 5 p.m. PT Monday through Friday, email at PRNCustomerCare@Gmail.com or online at www.Painreliefnaturally.com and click on Recall information in the upper tab for more information.

Recall Details

Description:

This recall involves all Pain Relief Naturally lidocaine-containing products including Numbify, Extra Strength Numbify, Pre-TAT Tattoo, Superior Pain & Itch Relief, and Soothing Sore Relief creams, sprays, gels and liquid gels. The recalled products were sold in 1, 2 and 4 ounce size containers. The products have black packaging with the name of the product in gold, red, or green lettering.

Numbify Cream, Spray, Gel & Liquid Gel	Black tubs and bottles with gold lettering
Extra Strength Numbify Cream, Spray, Gel & Liquid Gel	Black tubs and bottles with gold lettering
Pre-TAT Tattoo Cream, Spray, Gel & Liquid Gel	Black tubs and bottles with red lettering
Superior Pain & Itch Relief Cream, Spray, Gel & Liquid Gel	Black tubs and bottles with green lettering
Soothing Sore Relief Cream, Spray, Gel & Liquid Gel	Black tubs and bottles with green lettering

Remedy:

Consumers should immediately store the product in a safe location, out of reach of children and contact the firm to receive a free replacement cap. All known purchasers will be notified directly about the recall.

Incidents/Injuries:

None reported

Sold At:

Online at Amazon.com, Ebay.com, Walmart.com, Tatbalm.net, Naturallyhl.com and Numbify.com from August 2017 through August 2018 for between \$12 and \$30.

Manufacturer(s):

Ridge Properties, DBA Pain Relief Naturally, of Salem, Ore.

Manufactured In:

United States

Recall number:

19-712



United States
CONSUMER PRODUCT SAFETY COMMISSION

Gillette Recalls Venus Simply3 Disposable Razors Due to Laceration and Injury Hazards



Recall Summary

Name of product:

Venus Simply3 Disposable razors

Hazard:

A problem during manufacturing resulted in the misalignment of the blades in the razors, posing a higher risk of cuts during normal use.

Remedy:

Replace

Recall date:

June 27, 2019

EXHIBIT B

Units:

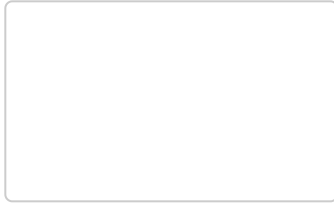
About 87,000 (in addition, about 2,700 were sold in Canada)

Consumer Contact:

Gillette at 800-362-1258 from 9 a.m. to 6 p.m. ET Monday through Friday and 9 a.m. to 5 p.m. ET Saturday through Sunday or online at www.gillettevenus.com and click on Safety Notification for more information.

Recall Details

In Conjunction With:



Description:

This recall involves Venus Simply3 disposable razors. The razors come in pink, purple, and yellow colors and were sold in two types of packages: a Venus Simply3 Disposable Razor 4-pack and a Daisy 12+1 Venus Simply3 Bonus Pack which included one free Venus Simply3 razor. The ten digit lot code can be found on the right or left side of the plastic package. The UPC number can be found inside the package adjacent to the bar code.

Venus Simply3™ – 4 count pack razors	Lot numbers: 9003A17400 and 9007A17400 UPC: 047400315358
Daisy 12 + 1 Venus Simply3 razors	Lot number: 9009A17400 UPC: 047400300712

Remedy:

Consumers should immediately stop using the recalled Venus Simply3 razors and contact Gillette to receive a postage-paid return label to return the razors and receive a voucher for a replacement.

Incidents/Injuries:

Gillette has received one report of a consumer who was cut while using the recalled razor.

Sold At:

Food, drug, and mass merchandise stores nationwide from January 2019 through May 2019 for between \$6 and \$10.

Manufacturer(s):

The Gillette Company LLC, of Boston, Mass.

Importer(s):

The Gillette Company LLC, of Boston, Mass.

Manufactured In:

Mexico

Recall number:

19-154



This recall was conducted, voluntarily by the company, under CPSC's Fast Track Recall process. Fast Track recalls are initiated by firms, who commit to work with CPSC to quickly announce the recall and remedy to protect consumers.