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8 *Attorney for Defendant Amazon.com, Inc.*

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 NICHOLAS MCCARTHY and  
12 MARTINIQUE MAYNOR,  
13 individually and NICHOLAS  
14 MCCARTHY as successor-in-interest  
15 to ETHAN MCCARTHY a deceased  
16 individual; LAURA JÓNSSON and  
17 STEINN JÓNSSON, individually, and  
18 LAURA JÓNSSON as successor-in-  
19 interest to KRISTINE JÓNSSON, a  
20 deceased individual;

21 Plaintiffs,

22 v.

23 AMAZON.COM, INC., a Delaware  
24 corporation, and LOUDWOLF, INC., a  
25 California corporation,

26 Defendants.

Case No. \_\_\_\_\_

DEFENDANT AMAZON.COM,  
INC'S NOTICE OF REMOVAL

[Removed from the Superior Court of  
the State of California for the County of  
Alameda, Case No. 22CV018942]

Complaint Filed: September 29, 2022  
Removal Date: October 4, 2022

1  
2 TO THE CLERK OF THE NORTHERN DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that Defendant Amazon.com, Inc. (“Amazon”) removes this civil action under 28 U.S.C. §§ 1332, 1441, and 1446. This Court has  
4 subject matter jurisdiction and the case is removable because there is complete  
5 diversity between the properly joined and served defendant, Amazon, and Plaintiffs  
6 and because the amount in controversy exceeds \$75,000, exclusive of interest and  
7 costs.  
8

9 As a short and plain statement of the grounds for removal, Amazon states the  
10 following:

11 **I. INTRODUCTION AND BACKGROUND**

12 **A. The Incident**

13 1. This action arises out of the purchase of sodium nitrite from  
14 Amazon.com by the decedents, Ethan McCarthy and Kristine Jónsson. Plaintiffs  
15 allege that the decedents died by suicide after consuming the sodium nitrite and that  
16 Amazon is liable for their deaths.

17 **B. The Complaint**

18 2. Plaintiffs filed this Complaint on September 29, 2022, in the Superior  
19 Court of California for the County of Alameda, as Case No. 22CV018942. A true  
20 and correct copy of the Complaint is attached as **Exhibit A**.

21 3. Plaintiffs bring claims against Amazon and Loudwolf, Inc.  
22 (“Loudwolf”) for product liability, negligence, and negligent infliction of emotional  
23 distress.

24 4. Neither Amazon nor Loudwolf has been served with the Complaint, and  
25 no further proceedings have been had in the state court action.

26 5. A review of the Register of Actions of the Superior Court for the County  
27 of Alameda indicates that no proofs of service of the summons and Complaint on any  
28 party has been filed.

## II. THIS CASE IS REMOVABLE UNDER DIVERSITY JURISDICTION

6. A civil action brought in state court is removable if the district court has original jurisdiction over it. 28 U.S.C. § 1441(a). As set forth below, this Court has jurisdiction based on diversity because it is a civil action in which the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs, between citizens of different States. 28 U.S.C. § 1332(a)(1).

### A. The amount in controversy exceeds \$75,000.

7. Plaintiffs do not assert a specific value for their claims on the face of the Complaint. When plaintiffs fail to allege a specific amount in controversy, a defendant need only make a good faith estimate of the amount in controversy. *See Dart Cherokee Basin Operating Co., LLC v. Owens*, 574 U.S. 81, 89 (2014) (“[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.”). The Court should conclude, based on Plaintiffs’ Complaint, that Plaintiffs’ claims involve an amount in controversy more than \$75,000, exclusive of interest and costs.<sup>1</sup>

8. When a plaintiff does not assert a specific value in a complaint, a court should begin by determining whether it is facially apparent from the complaint that the claims likely exceed \$75,000. *See Guglielmino v. McKee Foods Corp.*, 506 F.3d 696, 699 (9th Cir. 2007). If the amount in controversy is not clearly specified in the complaint, the court may consider facts in the complaint and other evidence submitted. *See Simmons v. PCR Tech.*, 209 F. Supp. 2d 1029, 1031 (N.D. Cal. 2002). Courts can also consider claims for “special and general damages, attorneys’ fees and punitive damages” in determining whether the jurisdictional minimum has been satisfied. *Id.* (finding amount in controversy satisfied in employment discrimination case where plaintiff sought compensatory damages, including medical expenses and lost wages; punitive and emotional distress damages; and attorneys’ fees). Future lost

<sup>1</sup> Amazon does not concede, and denies, that Plaintiffs are entitled to recover damages in any amount.

1 income may also be considered. *Brady v. Mercedes-Benz USA, Inc.*, 243 F. Supp. 2d  
2 1004, 1011 n.4 (N.D. Cal. 2002).

3 9. Under 28 U.S.C. § 1446(c)(2)(A)(ii), Amazon asserts that the amount in  
4 controversy in this matter exceeds \$75,000, exclusive of interests and costs. Amazon  
5 makes this assertion in good faith in light of the injuries and damages Plaintiffs  
6 allege. Plaintiffs allege that as a result of “Defendants’ tortious conduct,” the  
7 decedents’ “Estates sustained damages, including but not limited to, loss of  
8 accumulation of income, funeral expenses, pain and suffering, anxiety, emotional  
9 distress, humiliation, and other economic and non-economic damages.” Compl.  
10 ¶ 223. The Complaint also alleges that Plaintiffs sustained “funeral and burial  
11 expenses and the economic value of [their children’s] services and support.” *Id.*  
12 ¶¶ 225–26. Plaintiffs allege further that they suffered “the loss of love and the  
13 destruction of the parent-child relationship,” including “the grief, mental anguish,  
14 and suffering resulting from” their children’s deaths, “as well as the loss of  
15 companionship, including mutual society and protection,” of their children. *Id.*  
16 ¶¶ 227–28. Plaintiffs also allege that they suffered “severe emotional distress in the  
17 form of physical, psychological, and emotional trauma.” *Id.* ¶¶ 229–232. Finally,  
18 Plaintiffs request punitive damages and attorneys’ fees. *Id.* at Request for Relief.

19 10. Thus, based on Plaintiffs’ allegations of loss of income, emotional  
20 distress, pain and suffering, and other damages (including punitive damages),  
21 Amazon alleges in good faith that the amount in controversy exceeds \$75,000.

22 **B. Complete diversity exists.**

23 11. There is complete diversity of citizenship between Plaintiffs and  
24 Amazon.

25 12. The Complaint alleges that Plaintiffs Nicholas McCarthy, Laura  
26 Jónsson, and Steinn Jónsson reside in Ohio, Compl. ¶¶ 29, 36, 40, and that Martinique  
27 Maynor<sup>2</sup> resides in North Carolina, Compl. ¶ 33. Plaintiffs also allege that Kristine  
28

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<sup>2</sup> Although she is listed as “Martinique Maynor” in the caption, she is listed as

Jónsson lived with her parents in Ohio at the time of her death, Compl. ¶ 128, and that Ethan McCarthy lived with his mother and siblings in West Virginia at the time of his death, Compl. ¶ 158. “A party’s residence is ‘prima facie’ evidence of domicile. In the absence of evidence to the contrary, [the plaintiff] is a California citizen for diversity purposes” where the complaint indicates that he resides in California. *Zavala v. Deutsche Bank Tr. Co. Ams.*, No. 3:13-cv-01040, 2013 WL 3474760, at \*3 (N.D. Cal. July 10, 2013) (citation omitted); *see also Bergman v. Bank of Am.*, No. 3:13-cv-00741, at \*1 n.2 (N.D. Cal. Oct. 23, 2013); *Fjelstad v. Vitamin Shoppe Indus., LLC*, No. 2:20-cv-07323, 2021 WL 364638, at \*2 (C.D. Cal. Feb. 3, 2021) (“[A] defendant seeking to remove a case to federal court may rely solely on an allegation of residence in the complaint because a person’s residence is prima facie evidence of domicile and citizenship.” (quotations omitted)). Accordingly, on information and belief, Plaintiffs, including the estates of the decedent children, are and were at the timing of the filing of the Complaint citizens of Ohio, North Carolina, and West Virginia and are, for diversity purposes, treated as citizens of Ohio, North Carolina, and West Virginia.<sup>3</sup> *See* 28 U.S.C. §1332(c)(2).

13. Amazon is not a citizen of Ohio, North Carolina, or West Virginia.

14. Amazon is a Delaware corporation with its principal place of business in Washington. Thus, for diversity purposes, Amazon is a citizen of Delaware and Washington. *See* 28 U.S.C. § 1332(c)(1).

15. Although Loudwolf is alleged to be a California corporation, the forum-defendant rule does not bar removal here because it has not yet been served. The forum-defendant rule applies only to bar removal where diversity is the only basis for jurisdiction and a forum defendant has been “properly joined and served.” 28

“Martinique McCarthy” in paragraph 32 of the Complaint. Compl. ¶ 32.

<sup>3</sup> A party may allege citizenship for diversity jurisdiction on information and belief if that information is not reasonably ascertainable by the party. *Carolina Cas. Ins. Co. v. Team Equip., Inc.*, 741 F.3d 1082, 1087 (9th Cir. 2014).

U.S.C. § 1441(b)(2); *see, e.g., Fobb v. Uber Techs., Inc.*, No. 4:21-cv-07778, 2022 WL 620336, at \*2 (N.D. Cal. Mar. 3, 2022) (holding removal proper when it was filed before any forum defendant was served); *Glob. Indus. Inv. Ltd. v. Chung*, No. 5:19-cv-07670, at \*2 (N.D. Cal. Apr. 28, 2020) (same); *Monfort v. Adomani, Inc.*, No. 5:18-cv-05211, at \*3 (N.D. Cal. Jan. 8, 2019) (same); *Loewen v. McDonnell*, No. 4:19-cv-00467, 2019 WL 2364413, at \*7–9 (N.D. Cal. June 5, 2019) (same and reciting additional Northern District of California cases); *see also Gibbons v. Bristol-Meyers Squibb Co.*, 919 F.3d 699, 706–07 (2d Cir. 2019); *Encompass Ins. v. Stone Mansion Rest. Inc.*, 902 F.3d 147, 153–54 (3d Cir. 2018); *Tex. Brine Co. v. Am. Arb. Ass’n*, 955 F.3d 482, 485–87 (5th Cir. 2020).

### III. ALL SERVED DEFENDANTS CONSENT TO REMOVAL

16. Because the only other defendant, Loudwolf, has not yet been served, its consent is not required under 28 U.S.C. § 1446(b)(2)(A).

### IV. THIS REMOVAL IS TIMELY

17. Amazon’s removal is timely. Amazon has not yet been served with a copy of the Complaint, so the 30-day clock on removal has not begun to run pursuant to 28 U.S.C. § 1446(b).

### V. VENUE FOR THIS REMOVED ACTION IS PROPER

18. The United States District Court for the Northern District of California embraces the state court where this action was filed and is pending. Venue is proper in this Court under 28 U.S.C. § 1441(a).

### VI. NOTICE PROVIDED TO THE PARTIES AND STATE COURT

19. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served on all parties and filed with the Superior Court of the State of California, County of Alameda, where this case was originally filed.

### VII. PLEADINGS IN THE STATE COURT ACTION ARE ATTACHED

20. All papers and pleadings on file with the State court are attached at **Exhibit B**, in accordance with 28 U.S.C. § 1446(a).

1 **VIII. NON-WAIVER OF DEFENSES**

2 21. Amazon expressly reserves all of its defenses. By removing the action  
3 to this Court, Amazon does not waive any rights or defenses available under federal  
4 or state law. Amazon expressly reserves the right to move for dismissal of the  
5 Complaint pursuant to Rule 12 of the Federal Rules of Civil Procedure. Nothing in  
6 this Notice of Removal should be taken as an admission that Plaintiffs' allegations  
7 are sufficient to state a claim or have any substantive merit.

8 **IX. CONCLUSION**

9 WHEREFORE, Amazon hereby removes this action from the Superior Court  
10 of California for the County of Alameda to this Court.

11  
12  
13 Dated: October 4, 2022

**PERKINS COIE LLP**

14  
15 By: /s/ Steven G. Williamson  
16 Steven G. Williamson, Bar No.  
17 343842  
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**PROOF OF SERVICE**

I, Bobbie Howard, declare:

I am a citizen of the United States and employed in San Diego County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 11452 El Camino Real, Ste 300, San Diego, CA 92130. On October 4, 2022 I served a copy of the following document(s):

**DEFENDANT AMAZON.COM, INC.'S NOTICE TO PLAINTIFFS OF  
REMOVAL TO FEDERAL COURT**

☒ by transmitting via my electronic service address (bhoward@perkinscoie.com) the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

Hannah Meropol (CA Bar No. 340095)  
Carrie Goldberg (pro hac vice application forthcoming)  
Naomi Leeds (pro hac vice application forthcoming)  
C.A. Goldberg, PLLC  
16 Court St., 33rd Floor  
Brooklyn, NY 11241  
Telephone: 646-666-8908  
Fax: 347-599-9998  
Email: hannah@cagoldberglaw.com

*Attorneys for Plaintiffs*

I declare under penalty of perjury under the laws of the State of California and United States of America that the above is true and correct.

Executed on October 4, 2022, at San Diego, California.

  
Bobbie Howard



# **EXHIBIT A**

SUM-100

# SUMMONS (CITACION JUDICIAL)

**NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):**

AMAZON.COM, INC., a Delaware corporation, and LOUDWOLF, INC., a California corporation

**YOU ARE BEING SUED BY PLAINTIFF:****(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

NICHOLAS MCCARTHY and MARTINIQUE MAYNOR, individually and  
(Additional Parties Attachment form is attached)

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**

Superior Court of California  
County of Alameda

09/29/2022

Chad Finke, Executive Officer / Clerk of the Court

By: A. Linhares Deputy

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

**¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://www.sucorte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:  
(El nombre y dirección de la corte es): Superior Court of California, County of Alameda  
Hayward Hall of Justice - 24405 Amador Street; Hayward, CA 94544

CASE NUMBER:  
(Número del Caso):

22CV018942

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Hannah Meropol; C.A. Goldberg, PLLC; 16 Court St., 33rd Floor; Brooklyn, NY 11241; 646-666-8908

DATE: Clerk, by  
(Fecha) ~~10/04/22~~ Chad Finke, Executive Officer / Clerk of the Court (Secretario) A. Linhares, Deputy Clerk (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

**NOTICE TO THE PERSON SERVED: You are served**

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☒ on behalf of (specify):  
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)  
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)  
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)  
☐ other (specify):
4. ☐ by personal delivery on (date):

SUM-200(A)

## SHORT TITLE:

Nicholas McCarthy, et al., v. Amazon.com, Inc., et al.

CASE NUMBER:

## INSTRUCTIONS FOR USE

This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.

If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

**List additional parties** (Check only one box. Use a separate page for each type of party.):

☒ Plaintiff ☐ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

NICHOLAS MCCARTHY as successor-in- interest to ETHAN MCCARTHY a deceased individual;  
LAURA JÓNSSON and  
STEINN JÓNSSON, individually, and  
LAURA JÓNSSON as successor-in-interest to KRISTINE JÓNSSON, a deceased individual

Page 2 of 2  
Page 1 of 1

Form Adopted for Mandatory Use  
Judicial Council of California  
SUM-200(A) [Rev. January 1, 2007]

**ADDITIONAL PARTIES ATTACHMENT**  
Attachment to Summons

For your protection and privacy, please press the Clear  
This Form button after you have printed the form.

Print this form

Save this form

Clear this form

Hannah Meropol (CA Bar No. 340095)  
Carrie Goldberg (*pro hac vice* application forthcoming)  
Naomi Leeds (*pro hac vice* application forthcoming)  
**C.A. Goldberg, PLLC**  
16 Court St., 33<sup>rd</sup> Floor  
Brooklyn, NY 11241  
Telephone: 646-666-8908  
Fax: 347-599-9998  
Email: [hannah@cagoldberglaw.com](mailto:hannah@cagoldberglaw.com)  
*Attorneys for Plaintiffs*

**FILED**  
Superior Court of California  
County of Alameda  
09/29/2022  
Clad Filke, Executive Officer / Clerk of the Court  
By: A. Linhares Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

NICHOLAS MCCARTHY and  
MARTINIQUE MAYNOR, individually and  
NICHOLAS MCCARTHY as successor-in-  
interest to ETHAN MCCARTHY a deceased  
individual;  
LAURA JÓNSSON and  
STEINN JÓNSSON, individually, and  
LAURA JÓNSSON as successor-in-interest  
to KRISTINE JÓNSSON, a deceased  
individual;

Plaintiffs,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and  
LOUDWOLF, INC., a California  
corporation,

Defendants.

NO. **22CV018942**

**COMPLAINT FOR CIVIL PENALTIES  
AND DEMAND FOR A JURY TRIAL**

[Products liability; Negligence; Negligent  
infliction of emotional distress]

**COME NOW** plaintiffs Martinique Maynor and Nicholas McCarthy, individually, and  
Nicholas McCarthy as successor-in-interest to Ethan McCarthy, deceased, and Laura Jónsson  
and Steinn Jónsson, individually, and Laura Jónsson as successor-in-interest of Kristine Jónsson,  
by and through their attorneys, C.A. Goldberg, PLLC, and for causes of action against defendants  
Amazon.com, Inc. and Loudwolf, Inc. state:



**PRELIMINARY STATEMENT**

1. This is an action against Amazon.com, Inc. (“Amazon”) and Loudwolf, Inc. (“Loudwolf”) (collectively “Defendants”), which profit by selling a deadly chemical they know is used by children to die by suicide.

2. Amazon is guided by the principle that it can sell anything to anybody anywhere anytime and for any reason, even when it knows it’s selling something that likely will be used to kill a child within a week from their purchase.

3. In our country, it is illegal to aid or assist in somebody else’s suicide.

4. The rare exception exists in eleven states where physicians are allowed, under exceedingly narrow, legislated medical circumstances, to carefully facilitate the death of a proven terminally ill patient. Contrary to what Amazon and Loudwolf may think, there is no exception that allows for corporate-assisted suicide.

5. This is a case about the most powerful, wealthy, and trusted corporation in America knowingly assisting in the deaths of healthy children by selling them suicide kits.

6. These kits are comprised of Sodium Nitrite—a soluble solution that when mixed with water and drunk can render a person unconscious within twenty minutes. Along with Sodium Nitrite, Amazon recommends that customers also purchase a small scale to measure the right dose, Tagamet to prevent vomiting up the liquid, and the “Amazon edition” of the *Peaceful Pill Handbook* which contains a chapter with instructions on how to administer these ingredients together to die.

7. Even after parents and regulators warned Amazon that Sodium Nitrite had no household use, Amazon continued to sell it to households, for under twenty dollars, and with two-day delivery.

8. Presently Amazon stocks three brands of 98-99% pure Sodium Nitrite.

9. Loudwolf is one brand of Sodium Nitrite Amazon stocked.

10. Amazon sold Loudwolf Sodium Nitrite to children.

11. Amazon has no method of age verification to set up an account and even if it did, does not hesitate to sell Sodium Nitrite to households or to children.

12. Amazon knows it sells Sodium Nitrite to households that have no history of purchasing potent industrial chemicals.

13. Amazon and Loudwolf know there are zero household uses for Sodium Nitrite.

14. Amazon knows that during the coronavirus pandemic there was a huge spike in teenage suicide and mental health crises, and that Sodium Nitrite became a popular, cheap, and convenient method for teens to kill themselves.

15. During the pandemic, Amazon's profits soared 220% in the first year alone, capitalizing on Americans quarantining at home and positioning itself as the trusted stalwart that could be counted on deliver necessities—at times being the only reliable provider of masks, toilet paper, and hand sanitizer when everybody was scared to leave home.

16. Shoppers on Amazon can just as easily click to purchase Sodium Nitrite as they can batteries, pistachio nuts, or a toilet paper.

17. After being informed of the high incidence of Sodium Nitrite being sold to children and delivered to their homes, Amazon consciously, and with the advice of legal counsel, recommitted to continue to sell Sodium Nitrite and deliver it to the homes of children.

18. Plaintiffs are the families of two teenagers, unknown to one another, who during the Coronavirus pandemic separately purchased Loudwolf Sodium Nitrite from Amazon and then died excruciating deaths just over three months apart.

19. On September 24, 2020, 16-year-old Kristine Jónsson from Hilliard, Ohio purchased Loudwolf Sodium Nitrite from Amazon.com. It arrived two days later.

20. The police found her dead in her mother's car at 8:12 am on September 30, 2020.

21. On January 1, 2021, 17-year-old Ethan McCarthy from Milton, West Virginia purchased Loudwolf Sodium Nitrite from Amazon.com.

22. On January 7, 2021, Ethan's mother discovered him dead in his bed and he was

1 pronounced dead at 10:56am.

2 23. Both Kristine and Ethan had purchased the Sodium Nitrite for \$19.99. Amazon  
3 made a total of \$2.39 from each sale.

4 24. The circumstances surrounding Amazon's sales to both Kristine and Ethan were  
5 highly irregular. Amazon has a policy that people under the age of 18 can only use the service  
6 with the involvement of a parent or guardian. However, Kristine, at just sixteen, had created her  
7 own account to purchase the poisonous chemical and was never asked her age when she set up  
8 the account. The package delivered to Kristine's home was addressed without a last name. It read  
9 only "Kristine."

10 25. Seventeen-year-old Ethan used the account that belonged to his mother, Nikki, to  
11 purchase Sodium Nitrite. When Nikki received the email receipt for the purchase, she  
12 immediately called Amazon's customer service to tell them there must have been some mistake  
13 and that nobody at her home had ordered the item. Amazon told Nikki the order was cancelled.  
14 Instead, the Sodium Nitrite was delivered to her home four days later.

15 26. Amazon consciously sold Kristine and Ethan Sodium Nitrite with the knowledge  
16 and understanding it would be used to end their lives.

17 27. In loving memory of Kristine and Ethan, their families now seek to hold Amazon  
18 and Loudwolf responsible under theories of product liability and negligence for the untimely,  
19 painful, and preventable deaths they caused.

20 **PARTIES**

21 At all relevant and material times:

22 28. Plaintiff Nicholas McCarthy ("Nick") is the father of Ethan McCarthy ("Ethan"),  
23 who died on January 7, 2021 at age 17, and is the successor-in-interest to Ethan's estate.

24 29. Nick resides in Austintown, Ohio.

25 30. Nick has not entered into a User Agreement or other contractual relationship with  
26 Amazon in connection with Ethan's use of Amazon.







1 dimensions, and weight; digital images of the product, as well as other information such as  
2 shipping and handling options, product availability, in-stock status, and any other information  
3 reasonably requested by Amazon.

4 55. The Agreement grants Amazon a royalty-free, non-exclusive, worldwide,  
5 perpetual, irrevocable right and license to commercially or non-commercially exploit, in any  
6 manner, the information provided by the manufacturers whose products it sells.

7 56. Amazon offers manufacturers a host of other services they can use in conjunction  
8 with listing their product on Amazon's website. For example, Amazon offers "Amazon Clicks,"  
9 an advertising service in which Amazon highlights and promotes the vendor's product to  
10 customers.

11 57. Amazon exercises control of whether to prohibit the sale of products it deems  
12 unsuitable for sale on its marketplace. At any time, Amazon has the power and control to de-list  
13 a product.

14 58. Amazon reserves the right, to at any time, cease providing any or all of the  
15 services it offers manufacturers at its sole discretion and without notice, including suspending,  
16 prohibiting, or removing any listing. Amazon also retains other important privileges. For  
17 example, Amazon can require manufacturers to stop or cancel orders of any product. If Amazon  
18 determines that a manufacturer's actions or performance may result in risks or hazards, it may in  
19 its sole discretion withhold any payments to the manufacturer.

20 59. Amazon has an intricate payment arrangement with manufacturers whose  
21 products it sells. First, Amazon charges a monthly subscription fee. Then Amazon charges what  
22 it calls a "referral fee," which is actually just a seller's commission on each item sold. The  
23 percentage and minimum commission Amazon collects vary based on the category of the  
24 product.

25 60. Amazon takes a 12% commission for products categorized as "Business,  
26 Industrial, and Scientific Supplies" with a minimum per-unit commission of \$0.30.

61. Amazon charges manufacturers refund administration fees, which are the lesser of \$5.00 or 20% of the applicable commission.

62. When a product sells, Amazon collects the amount paid by the customer, including both the price of the item and shipping costs, and takes its commission off the top.

63. Amazon has strict visual requirements for products sold on its site. Amazon's Seller Central website recommends six images and one video of all products.<sup>1</sup> They instruct that "[i]mages should be clear, **informative**, and attractive" [emphasis added]. Amazon says it takes a hardline when images do not comply with the policy. ("[I]f the images on your Amazon product listings are found to be non-compliant with Amazon's image content requirements, the product listings will be removed from search until a compliant image is provided."). The standards for the main product images are particularly strict and forbid cropping of the images except for jewelry ("MAIN images must show the entire product that is for sale. Images must not touch or be cut off by the edge of the image frame, with exception of Jewelry (e.g., necklaces.)"). Amazon also has industry-specific visual requirements for products.

64. Amazon also has particularly strict requirements for industrial and scientific products sold.<sup>2</sup> Amazon claims these requirements are for consumer safety. ("The selling guidelines listed here for selling in the Industrial & Scientific category reflect buyer concern for product quality, product branding, and consumer safety.") All products classified as "Industrial and Scientific" require that sellers "conduct proper research to ensure the product listing complies with applicable local, state, federal, and international laws and regulations." All industrial and scientific products sold on Amazon "must meet North America product safety standards." Amazon requires there be adequate information, so purchasers fully understand the product. "Sellers must submit product titles, bullets, and product descriptions that are clearly written and

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<sup>1</sup>[https://sellercentral.amazon.com/gp/help/external/G1881?language=en\\_US&ref=efph\\_G1881\\_cont\\_16881](https://sellercentral.amazon.com/gp/help/external/G1881?language=en_US&ref=efph_G1881_cont_16881) (last visited September 27, 2022).

<sup>2</sup>[https://sellercentral.amazon.com/gp/help/external/G201847780?language=en\\_US&ref=efph\\_G201847780\\_cont\\_200332540](https://sellercentral.amazon.com/gp/help/external/G201847780?language=en_US&ref=efph_G201847780_cont_200332540) (last visited September 27, 2022).

1 **assist the customer in understanding the product”** [emphasis added].

2 65. Amazon does not enforce the visual requirements or the consumer safety  
3 requirements for the industrial and scientific product it sells. This non-enforcement is true both  
4 for the industrial and scientific products it sells for manufacturers like Loudwolf, as well as the  
5 brands where Amazon possesses the products wholesale and is itself in charge of describing and  
6 photographing the product.

7 66. Amazon recognizes there is liability for selling unsafe products online and in the  
8 Agreement threatens to take civil action against manufacturers who do so.

9 67. Amazon tells its manufacturers that the “[t]he sale of illegal, unsafe, or other  
10 restricted products” is “strictly prohibited” and that “the sale of illegal or unsafe products can  
11 lead to legal action, including civil and criminal penalties.”

12 68. Amazon claims to not allow minors to have their own consumer accounts, but  
13 instead child users can be on their parents’ “household” account.

14 69. However, Amazon does not ask new account holders to state their age when  
15 they’re setting up an account.<sup>3</sup>

16 70. Amazon instills the false belief in families that they sell safe products.

17 71. Amazon makes much ado about its prohibition on products it deems unsafe or  
18 immoral. It specifically prohibits drug products, controlled substances, and any product  
19 containing CBD.

20 72. Amazon promotes its gift cards as a safe gift to give children on their birthdays,  
21 Christmas, and other special occasions.

22 73. Amazon makes billions of dollars in gift cards given to children.

23 74. By its own admission, Amazon influences the mental states that that compel  
24 people to purchase specific goods. Its 2021 Amazon Consumer Behavior Report begins with:

25 <sup>3</sup><https://www.amazon.com/gp/help/customer/display.html?nodeId=GLSBYFE9MGKKQXXM#:~:text=If%20you%20are%20under%2018,teenagers%20in%20their%20Amazon%20Household.> (Last updated September 14,  
26 2022).

1 “To win in this era, especially on Amazon and other e-marketplaces, brands and retailers will  
2 need to take a hard look at factors that *drive* consumers to make a purchase, paying close attention  
3 to personalization, convenience, value, and product assortment.”<sup>4</sup>

4 75. Upon information and belief, between the data analytics collected about users and  
5 its state-of-the-art ways to market at them, Amazon’s own design influences and predicts how  
6 people will shop and what they will buy.

7 76. During the coronavirus pandemic, the trust in Amazon—and its influence in  
8 causing purchases—grew as more people stuck in their homes quarantining relied on Amazon  
9 for safe home deliveries of the essentials of life. (“As consumer’s comfortability and reliance on  
10 e-marketplaces accelerates amid the pandemic, Amazon has emerged as the biggest beneficiary  
11 from the growing trend of online shopping.” *Id.*)

12  
13 **Loudwolf Sodium Nitrite Sold on Amazon.com**

14 77. Loudwolf, Inc. is a manufacturer that sells industrial chemicals on Amazon.

15 78. Paul Fullwood (aka “Professor Fullwood”) is the founder of Loudwolf, Inc. He is  
16 president and chief operating officer of Digital Animation, Inc., a founding partner of Edison  
17 Research Labs, and chairman of The First Fruit Charities, Inc. He is a board member of various  
18 other companies including Digital Imagination, Inc.

19 79. Loudwolf brand Sodium Nitrite was sold both by Amazon.com and on its own  
20 website, Loudwolf.com.

21 80. Loudwolf Sodium Nitrite was sold on Amazon at 99.6% purity— a purity level for  
22 which there is no non-institutional or household use.

23  
24  
25 \_\_\_\_\_  
26 <sup>4</sup> *The 2021 Amazon Consumer Behavior Report: Based on a Survey of 2,000+ U.S. Shoppers*, Feedvisor (2021)  
[emphasis added].



81. At all relevant times, the Loudwolf Sodium Nitrite available for purchase on Amazon was sold in violation of federal regulations issued by the FDA for Sodium Nitrite. CFR 172.175(b)(3) provides Sodium Nitrite must, at minimum, bear a clear label stating: “KEEP OUT OF REACH OF CHILDREN.” The actual label fails to include this language, yet falsely boasts “hundreds of known uses” and that it is “suitable for most experimental and analytical applications, as well as many technical and household purposes.”



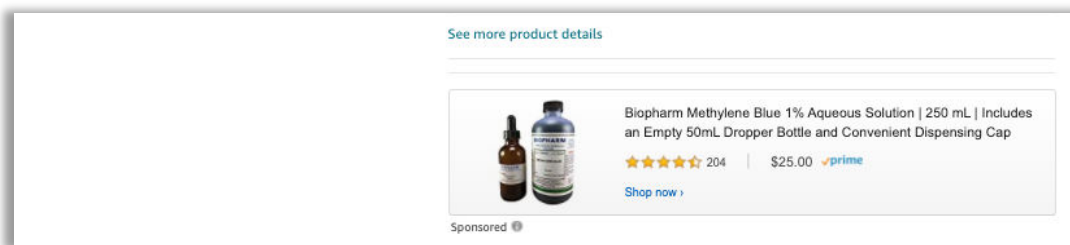
(Label depicted reads: “This is a high purity, reagent grade chemical. It is suitable for most experimental and analytical applications, as well as many technical and household purposes. This substance has hundreds of known uses. Please do your own research regarding its application to your specific purpose.”)

82. Further, the actual bottle contains nothing that even remotely warns consumers of how deadly the product is or how to reverse the effects. The only warning language contained on the label states: “HAZARD Oxidizer. Irritant.”



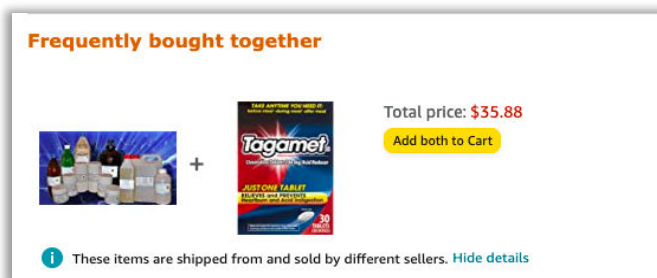
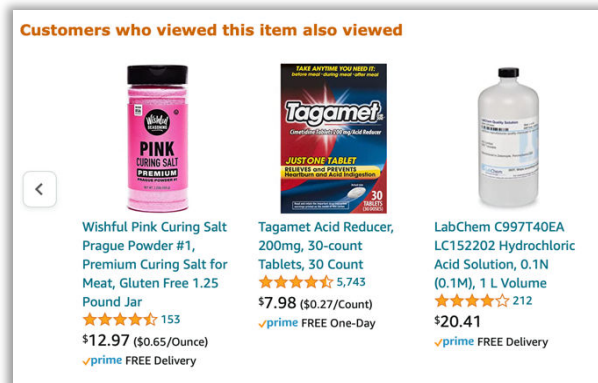
83. Upon information and belief, Amazon continued selling Loudwolf Sodium Nitrite despite repeated notifications that it was being used to complete suicides, up until the Food and Drug Administration became involved in and only then was Loudwolf Sodium Nitrite removed from both Amazon.com and Loudwolf.com.

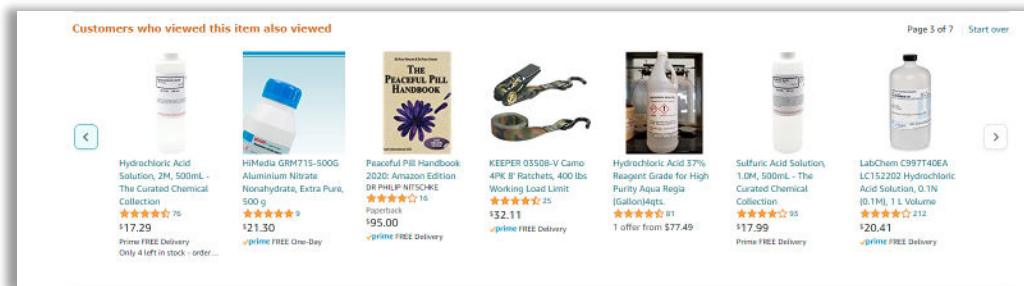
84. Neither the product label nor the Amazon product page for Loudwolf Sodium Nitrite mentioned a proven antidote to suicide attempts via Sodium Nitrite: an injection of methylene blue. Though, notably, Amazon has sold advertising space to Biopharm Methylene Blue 1% on various Sodium Nitrite product pages.





85. Amazon bundles Sodium Nitrite with other offerings to create suicide kits. Along with Sodium Nitrite, Amazon's recommendation feature (*i.e.*, "Customers who viewed this item also viewed" and "Frequently bought together") offers Tagamet, an acid reduction medicine that online suicide forums recommend to prevent lifesaving vomiting after ingesting a deadly dose of Sodium Nitrite. Also, among Amazon's recommendations for viewers of Sodium Nitrite are small scales and the "Amazon Edition" of Dr. Philip Nitschke's suicide instruction book, *The Peaceful Pill Handbook*. Amazon offers a new edition of the *Peaceful Pill Handbook* each year for \$95. Upon information and belief, Loudwolf Sodium Nitrite was one of the brands for which Amazon recommended these other suicide aids in the "Customers who viewed this item also viewed" and "Frequently bought together" suggestions to shoppers on product pages.





86. The “Amazon Edition” of *The Peaceful Pill Handbook* devotes a chapter to “Lethal Inorganic Salts” wherein it details instructions for how to use Sodium Nitrite to die. It provides: “Sodium nitrite salt is very soluble in water. To prepare a lethal dose of the salt, 15gm is dissolved into 50- 100 ml of water. The taste is salty and unremarkable.”

87. Shockingly, the online edition of the *The Peaceful Pill eHandbook* touts how cheap and speedy Sodium Nitrite purchase and delivery is for suicidal readers who purchase it on Amazon, even providing an Amazon link. “[Sodium Nitrite] is readily available on the internet and has no safety issues for transport. Cost is minimal with chemical suppliers offering the product for as little as US\$15/kgm. <https://www.amazon.com/Sodium-Nitrite-Powder>.”

88. Upon information and belief, Amazon sold Loudwolf Sodium Nitrite starting in June 2017.

89. Amazon and Loudwolf knew or should have known people used Loudwolf Sodium Nitrite to die by suicide.

90. Starting in or before 2019, news articles and studies by medical researchers and the National Poison Data System began reporting a spike in suicides caused by Sodium Nitrite.

91. Upon information and belief, Amazon’s own data demonstrates an increased demand by individuals for Sodium Nitrite starting in or about 2019.<sup>5</sup>

<sup>5</sup> The increase in sales is the result of the popularity of sanctioned-suicide.org, a website that had incarnations on the deep web and Reddit before Reddit banned it in 2018. Two individuals created Sanctioned Suicide to form a membership community for both those people who want to die and those who encourage others to die. Among Sanctioned Suicide’s many features is a “Suicide.Wiki” link which has such topics as “Methods”, “Hanging”, “Jumping”, “SA”, and “SN.” The SN link provides “step-by-step instructions” for death by Sodium Nitrite, a suicide method that “effectively kills whether old people or healthy Olympic champions”: “1. Take 30 mg metoclopramide (another editor suggested 800 mg of Tagamet, as well). 2. Wait 1 hour. 3.

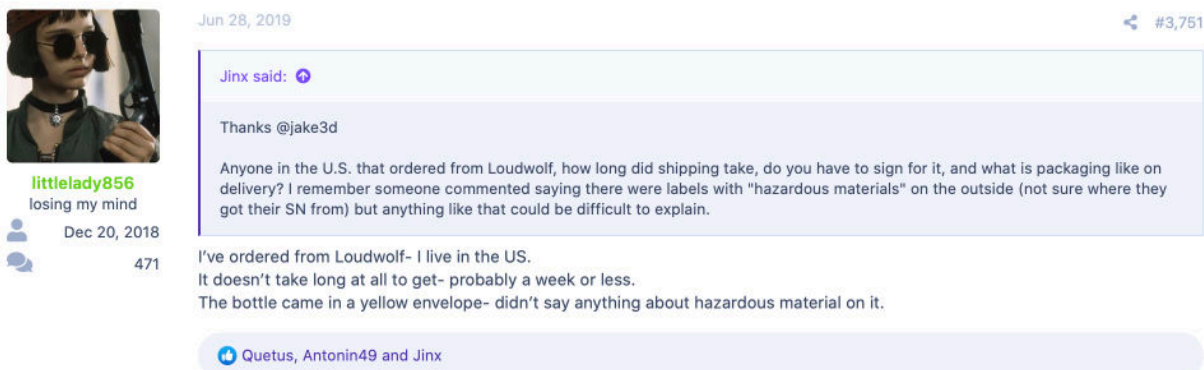
92. In 2019 the California Poison Control System (CPCS) was consulted on five patients who intentionally ingested sodium nitrite between May and November 2019. In all cases, the patients acquired the product from online vendors.<sup>6</sup>

93. Upon information and belief, Amazon's own data demonstrates an increase in private individual purchases, especially by those who also viewed and/or purchased products like Tagamet acid reducer, scales, and suicide instruction books.

94. Upon information and belief, Amazon received complaints about Loudwolf Sodium Nitrite killing their loved ones.

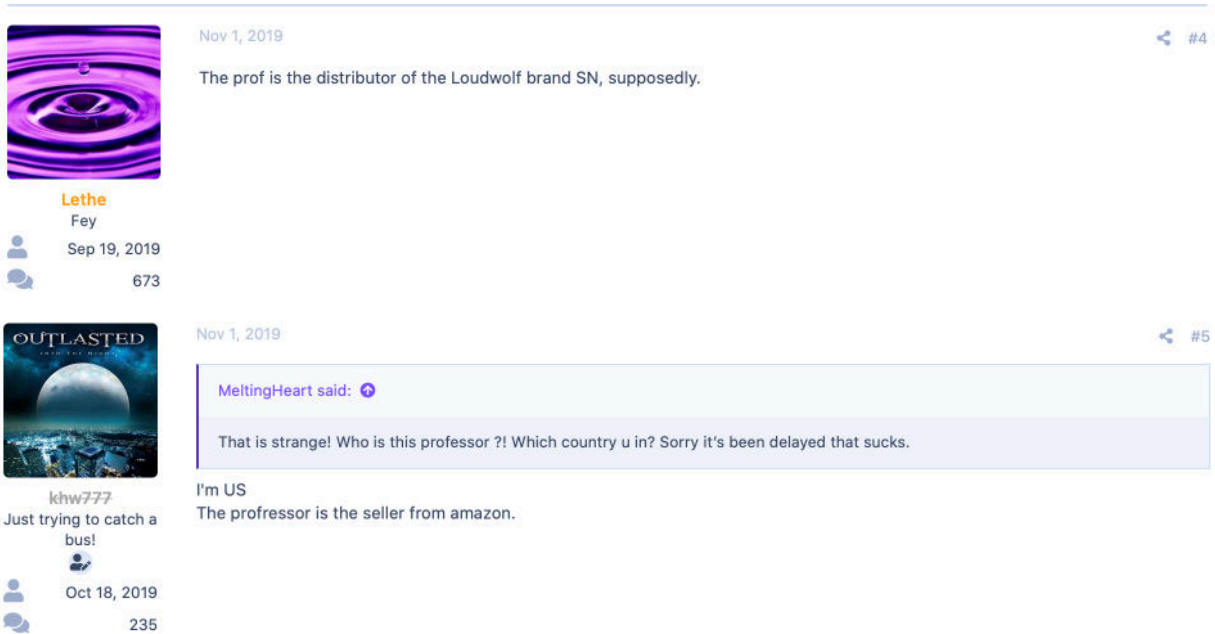
95. The pro-suicide website, Sanctioned-Suicide.com ("Sanctioned Suicide"), explicitly refers suicidal individuals to Amazon to purchase Loudwolf Sodium Nitrite because it is "sold without regulation" on Amazon.

96. Professor Fullwood, Loudwolf and Amazon are commonly referred to on suicide forums as easy, quick, and accessible options to purchase Sodium Nitrite.



Dissolve 15-25 g Sodium Nitrite in 50 ml municipal tap water. 4) Drink the solution and relax on a bed, a couch or a reclining chair."

<sup>6</sup> Matin, Adiba M. "Survival after self-poisoning with sodium nitrite: a case report" J Am Coll Emerg Physicians Open. 2022 Apr; 3(2): e12702. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8931305/#emp212702-bib-0005>



97. Amazon is legally required to control sales of Sodium Nitrite in other countries because of its use for suicide. However, it does not provide the same care to its customers outside those countries. For instance, Sodium Nitrite is a “reportable substance” in the UK. As such, Amazon must report “any suspicious transaction (business to consumer and business to business) of Sodium Nitrite.”<sup>7</sup>

98. Similarly, other countries, such as The Netherlands, have organized actions to try to stop sales of Sodium Nitrite to private individuals.<sup>8</sup>

99. Despite knowing Sodium Nitrite is considered too dangerous to sell to some other nations’ consumers, Amazon continued to sell it to individuals in the United States.

100. Upon information and belief, Amazon engages in deception to increase its sales of Sodium Nitrite. For instance, upon learning that families were leaving one-star reviews for Sodium Nitrite relating to the deadliness of the product and its use for suicide, instead of

<sup>7</sup> Guidance: *Supplying Explosives Precursors and Poisons*, Gov.uk Guidance (June 25, 2021), <https://www.gov.uk/government/publications/supplying-explosives-precursors/supplying-explosives-precursors-and-poison>.

<sup>8</sup> *Suppliers of Suicidal Drug: No Sale to Private Individuals*, Algemeen Dagblad, [https://www.ad.nl/politiek/leveranciers-zelfmoordmiddel-geen-verkoop-aan-particulier~a70b9e15/?referrer=https%3A%2F%2Fsuicide.wiki%2Fw%2FSodium\\_Nitrite](https://www.ad.nl/politiek/leveranciers-zelfmoordmiddel-geen-verkoop-aan-particulier~a70b9e15/?referrer=https%3A%2F%2Fsuicide.wiki%2Fw%2FSodium_Nitrite).

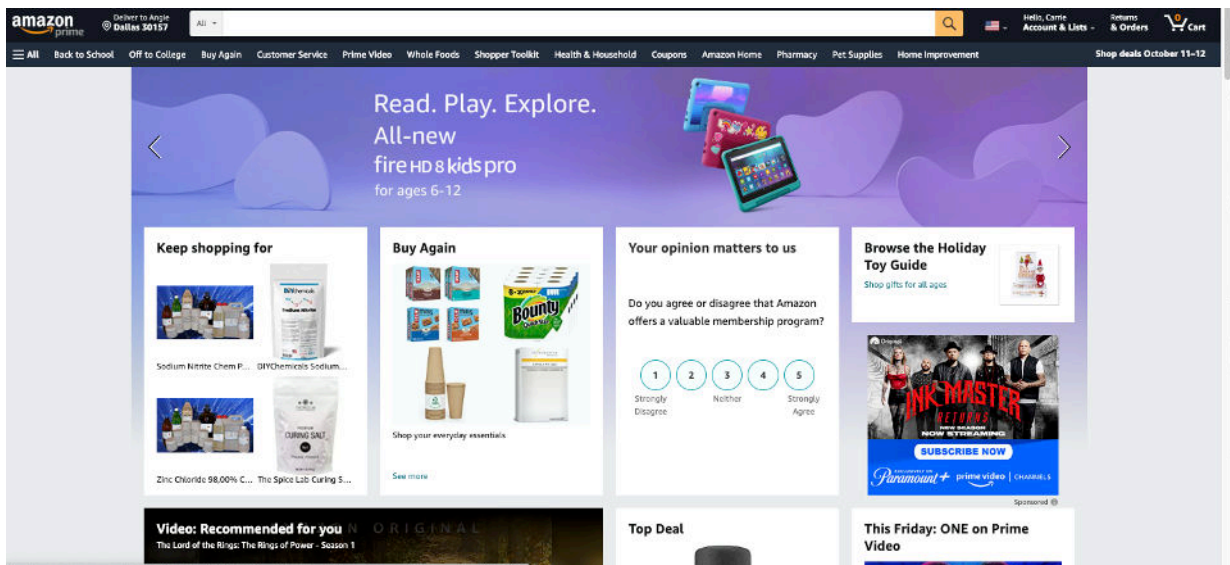
removing the product, Amazon removed comments containing the word “suicide.”

101. Amazon’s deletion of one-star reviews caused Loudwolf Sodium Nitrite to have artificially high customer ratings.

102. Amazon has also taken punitive measures against grieving family members by banning these individuals from leaving comments on any Amazon products at all after they left one-star reviews about Sodium Nitrite.

103. Upon information and belief, Amazon used advertising tactics to convince people to purchase Loudwolf Sodium Nitrite, such as tracking users who viewed Sodium Nitrite with cookies and then advertising Loudwolf Sodium Nitrite to them on other sites they visited with direct links to the product on Amazon.

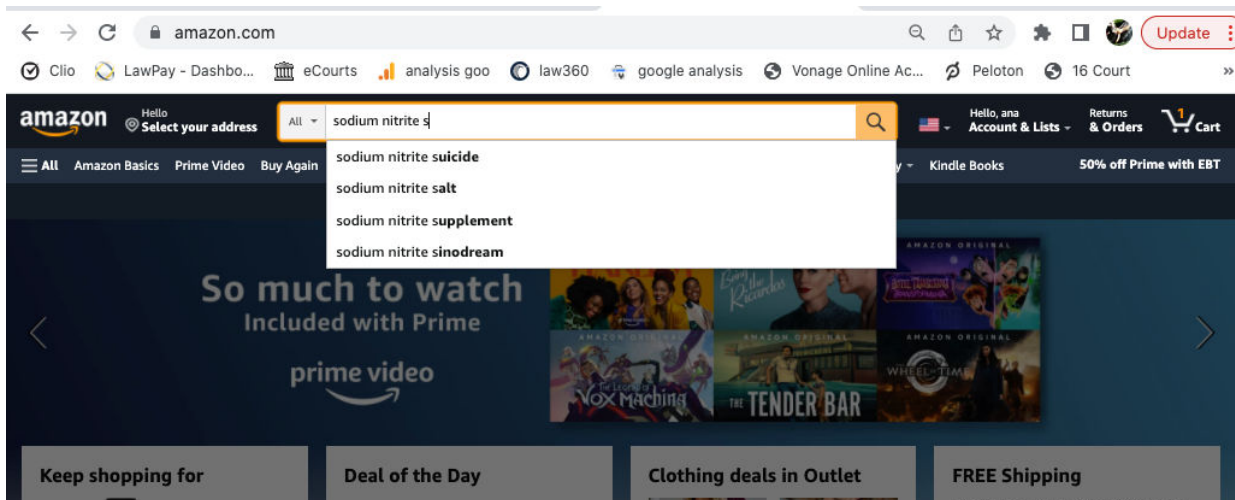
104. For customers who have looked repeatedly at Sodium Nitrite, Amazon places Sodium Nitrite on their Amazon landing page and suggests customers “[k]eep shopping for” Sodium Nitrite.”



105. Upon information and belief, Amazon routinely sent top-of-mind emails advertising Sodium Nitrite to consumers who looked at Loudwolf Sodium Nitrite but did not purchase it, and to consumers who placed it in their online shopping cart but had not completed the transaction.

106. Upon information and belief, after people bought Loudwolf Sodium Nitrite, Amazon would routinely nudge them about their purchase, asking them to rate the product and even inquiring if they would like to order more.

107. Upon information and belief, Amazon engaged in various other methods to normalize the use of Loudwolf Sodium Nitrite for suicide to condition its consumers to think that shopping for suicide products on Amazon was safe, normal and a frequent well-plodded road. In addition to recommending users buy the exact bundle of items recommended by Sanctioned Suicide's website to be used in conjunction with Sodium Nitrite and using the aforementioned methods to nudge and pressure individuals to purchase, at all relevant times, Amazon auto-filled its search results. Users who typed in "sodium nitrite" saw "sodium nitrite suicide" as the fifth suggested prompt to complete their search. A user who began to type in "sodium nitrite salt" would instead see "sodium nitrite suicide" before they could type the second letter of "salt."



### **Suicide by Sodium Nitrite**

108. Sodium Nitrite is a water soluble, white to slightly yellowish crystalline powder.

109. Sodium Nitrite has no household application. Its uses are mainly as a corrosion inhibitor in antifreeze, an antidote to cyanide poisoning, and as a microbial. In Australia it was also introduced as a method to control the growth of feral pig populations.



110. When Sodium Nitrite is used for suicide, it is mixed in a glass with water and consumed orally. One gulp is enough. Methemoglobinemia impairs oxygen transport in blood, which causes hypoxia.

111. Death from Sodium Nitrite induced Methemoglobinemia causes excruciating discomfort prior to death. It operates as a chemical asphyxiant depriving oxygen to the brain and heart. Individuals often experience volatile vomiting, seizures, diarrhea, and intense stomach pain.

112. The appearance of individuals who died or are dying of Sodium Nitrite toxicity is itself traumatizing. The lips and nails are blackened, and the skin is mottled and splotchy, and turns bluish gray. The limbs become rigid. The blood, which turns thick and brown and with the viscosity of chocolate syrup, oozes from the mouth and nose.

113. At a very diluted level, Sodium Nitrite can be found in food preservatives. For instance, curing salts used for making jerky contain about 6% Sodium Nitrite. Even at this much lower concentration, curing salts are always dyed pink as a caution to avoid mistaking it for regular salt because over-consumption even of curing salts is so dangerous. In contrast, the Loudwolf Sodium Nitrite, sold by Amazon, contained 99.6% pure Sodium Nitrite.

114. Sodium Nitrite at a purity level greater than 95% is a reagent chemical, meaning its uses are strictly monitored in food factories and medical manufacturing, as well as in high-purity laboratory and analytical applications. A trace amount could make a person extremely ill.

115. Sodium Nitrite at a purity level of 99.6% purity, as stated on Loudwolf's label, actually exceeds the American Chemistry Society ("ACS") standard of 97% purity. This is the highest purity chemical grade that exists in American science and research.

116. The FDA Administration has a special category of regulation for Sodium Nitrite (21 CFR 172.175). All retail packing requires labeling with "adequate instructions for use to provide a final food product" and which complies with strict federal limits on the amount of the dangerous compound used. Federal law requires labels provide safety warnings for kids. "[T]he

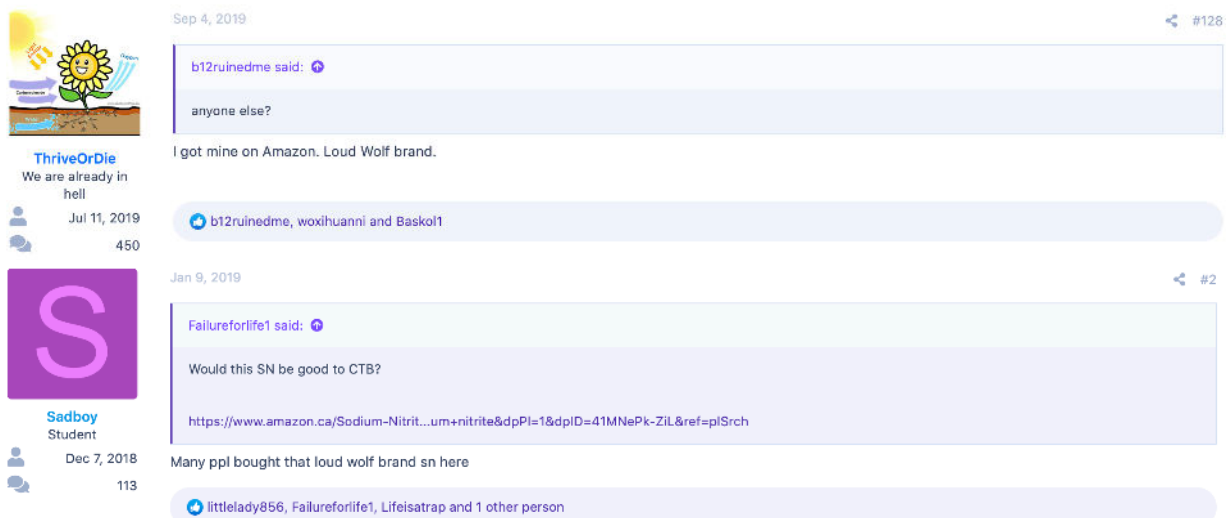
label of the additive, or of a mixture containing the additive, shall bear the statement ‘Keep out of the reach of children.’”

117. Sodium Nitrite has recently become a highly recommended suicide method on the pro-suicide website Sanctioned Suicide.

118. Sanctioned Suicide specifically recommends Sodium Nitrite as an effective method of completing a suicide that is cheap and easy and most importantly, difficult for family members and professionals to stop.

119. Sanctioned Suicide and its “suicide.wiki” have long recommended that members purchase Sodium Nitrite specifically from Amazon.com.

120. Sanctioned Suicide users abbreviate Sodium Nitrite, to “SN.” In posts about where to find the chemical, many users suggest Amazon and Loudwolf.



121. The site further provides threads of instructions specifying dosages and methods of dissolving the substance in water prior to consumption. It recommends supplementing the Sodium Nitrite with antacid medication like Tagamet to ensure the poison can be digested without vomiting.



**The Availability of Sodium Nitrite on Amazon increase suicides**

122. The Centers for Disease Control and Prevention say that since 2009, suicide has increased by 45% among 15–24-year-olds and over 30% among 25-34-year-olds.

123. Experts say that for most people, suicidal thoughts will eventually pass. Treatment, support from loved ones, and detailed plans to keep safe can help.

124. Clinicians and researchers have found that people are much more likely to attempt suicide if they learn about methods, become convinced it is the right thing to do, and have the means.

125. Amazon and Loudwolf provide the method and means for suicide. With Amazon's fast delivery, individuals can obtain Sodium Nitrite (and the products it recommends – Tagamet, the handbook, and a scale) within a few days of learning about it and within a period of time short enough for the bout of suicidal ideation originating at the point of purchase to persist.

126. Upon information and belief, Amazon is the number one vendor of Sodium Nitrite used for suicides.

127. Upon information and belief, at the times of Kristine's and Ethan's deaths, Loudwolf was the number one brand of Sodium Nitrite sold by Amazon.

**Amazon Sells Loudwolf Sodium Nitrite to 16-year-old Kristine Jónsson which Kills Her**

128. In September 2020, Kristine, age 16, lived with her parents, her little brother, Daniel, and her litter sister, Katherine in Hilliard, Ohio.

129. Kristine was an extremely intelligent and focused girl. She was committed to her academics, taking online courses at the Community College while still a junior in high school. She also took great interest in developing her art skills. She was a pretty normal kid – she enjoyed scrolling through Tumblr, weighing in on the group chat with her friends, clocking her 10,000 steps a day, and suffered through board games with her family. She was very close with her best

1 friend, Emma, and her cousin, Becca. Before the Coronavirus pandemic forced everybody into  
2 quarantine in March 2020, Kristine and Emma had attended the Renaissance Faire and they  
3 hoped to someday go to the Pride Parade with Becca.

4 130. Kristine was very close with her brother, Daniel, then 13, and her sister, Katherine,  
5 then 10.

6 131. The pandemic was extremely difficult for Kristine. It began at a time in her life  
7 when she was just beginning to come into her own. By September 2020, she felt the quarantine  
8 restrictions would never lift. In her diary, she expressed feeling listless and meaningless. She  
9 expressed feeling no joy; even the things that had once given her pleasure like group-chatting  
10 with her friends no longer were enough.

11 132. On September 9, 2020, Kristine began imagining how people in her life would  
12 react if they found out she was hospitalized after a suicide attempt. "It's such a morbid thought  
13 but I keep coming back to it," she wrote. That night she registered for an account on Sanctioned-  
14 Suicide.org.

15 133. Between September 15 and September 29, 2020, Kristine became resolute about  
16 dying. Meanwhile, she put on a brave face to her family; they had no idea.

17 134. She created lists of pros and cons wrote letters to all her friends, and in her diary,  
18 she carefully considered and ruled out other methods.

19 135. She considered getting a gun but noted that she would have to be over 18 and that  
20 the wait was too long.

21 136. She considered getting an illegal gun but feared her mom would notice the  
22 delivery.

23 137. She considered cutting herself but decided she didn't have the desire to experience  
24 that type of pain and mess.

25 138. She considered an overdose on illegal drugs but didn't know enough about what  
26 drugs to use or where to get them. Her own medicine cabinet only had Tylenol and melatonin.

1           139. She considered ordering Nembutal from another country, but it cost \$600 and she  
2 was worried she would need a PO Box so her parents wouldn't be suspicious of a strange  
3 delivery.

4           140. She considered hanging herself but felt that would be too painful and hard, plus  
5 she didn't want to do it where her family would be the first to find her.

6           141. Then she learned about Sodium Nitrite, which she could get in less than 48 hours  
7 from Amazon.com.

8           142. In her journal, Kristine jotted down the four steps to death by Sodium Nitrite: 1)  
9 Tagamet, 2) wait 1 hour, 3) dissolve 15-25g in 50ml water, 4) drink.

10          143. She calculated that for her body size, she would need 20 grams of Sodium Nitrite  
11 and 200 mg of Tagamet so she would not throw up.

12          144. On September 24, 2020, Kristine went on Amazon.com, created an Amazon  
13 account, and purchased Loudwolf Sodium Nitrite. With shipping, the total cost was \$28.67.

14          145. The package arrived to the Jónsson's home two days later, on September 26, 2020,  
15 her mother's birthday. The package was addressed to "Kristine" and contained no last name.

16          146. Besides Kristine, nobody else in the house knew the package had arrived. No  
17 signature was required. Upon information and belief, Kristine was able to retrieve it undetected  
18 because Amazon notified her of the delivery.

19          147. On the night of September 29, 2020, Kristine had spent time watching the  
20 presidential debate with her family. Once it got late, she and her siblings went up to bed.

21          148. Before going to her room, Kristine spent some time in her sister Katherine's room  
22 reading from a Harry Potter book.

23          149. When Kristine and the family went to bed everything seemed in usual order.

24          150. At roughly 1:30am, Kristine snuck out of the house with a backpack that  
25 contained the Loudwolf Sodium Nitrite and a sleeping bag. She stole her mom's car and drove it  
26 to the CVS pharmacy where she bought the Tagamet.

151. The next morning, Kristine's mom, Kristin, went about her usual morning routine. Kristin noticed the front door was unlocked so she went to lock it and noticed her car was missing. She immediately assumed her car had been stolen.

152. When she went upstairs to check on her family, she noticed Kristine was not in her bedroom. Kristin called her niece and texted some friends, but nobody knew where Kristine was.

153. At this point, Kristin fell into a state of sheer panic and called 911. The police came and checked the footage from the family's Ring security camera and saw Kristine leaving in the car in the middle of the night.

154. Kristin went into Kristine's room to look for clues about where her daughter might have gone. She noticed a pile of letters that caused her to scream in fear – they looked like suicide notes.

155. Steinn, Kristine's father, realized he could access Kristine's location on the mobile application "Find my," and tracked her location to a park about 6 miles away from the house in Dublin, Ohio.

156. The police then tracked Kristine's vehicle to that park and found the car with Kristine deceased inside. The bottle and packaging from the Sodium Nitrite were with her.

157. Per the Coroner's Report, the cause of death was "Sodium Nitrite Toxicity." The manner of death was "Suicide." Kristine's suffered excruciating pain in her final moments.

**Amazon sells Loudwolf Sodium Nitrite to 17-year-old Ethan McCarthy which Kills Him**

158. In January 2021, Nikki Maynard lived in Milton, West Virginia with her three kids, Caleb, Ethan, and Emily. She was a Registered Nurse Care Coordinator at the Children with Special Needs Program for the state of West Virginia. Life had been hectic because of Covid, but the family had a good Christmas and enjoyed the holidays together as a family with the kids' father, Nick McCarthy.

1           159. Ethan, 17, was Nikki and Nick's middle child. He was the problem solver in the  
2 family, mediating arguments between his siblings. Very sociable, he'd always been emotionally  
3 stable. Even through his parent's divorce, he was never diagnosed with behavioral or  
4 psychological conditions and never showed signs of depression or suicidality.

5           160. When it came to school, Ethan was the type of kid who barely studied and always  
6 managed to get A's and B's. Living in the country, he and his brother played outdoors a lot, loved  
7 target practice, and were always on adventures. He was also a very talented gamer and was  
8 always adding new modifications to his gaming console. Ethan loved animals, especially his dog,  
9 Jasper. He was a very active boy who loved rock-climbing and weightlifting. He was a natural  
10 caretaker, constantly helping Nikki around the house and babysitting his little cousin, River, who  
11 was 4 years old when Ethan died.

12           161. On January 2, 2021, Nikki noticed an email receipt from Amazon for \$28.54 from  
13 the day before for an unfamiliar product she had not purchased, which was scheduled to be  
14 delivered between January 13 and January 15. She asked her kids if they had ordered the product,  
15 Sodium Nitrite, from her account. They said they had no idea what it was and that no, they had  
16 not ordered it. Caleb joked that maybe it was for a bomb.

From: "Amazon.com" <[auto-confirm@amazon.com](mailto:auto-confirm@amazon.com)>  
 Date: January 1, 2021 at 2:45:34 AM EST  
 To: [REDACTED]  
 Subject: Your [Amazon.com](https://www.amazon.com) order #112-8916824-8929802  
 Reply-To: [no-reply@amazon.com](mailto:no-reply@amazon.com)



Order Confirmation

Hello **Martinique**,

Thank you for shopping with us. We'll send a confirmation when your item ships.

**Details**Order [#112-8916824-8929802](#)

Arriving:  
**January 13 -**  
**Friday, January 15**

Ship to:  
**Martinique**  
**MILTON, WV**

[View or manage order](#)
Order Total: **\$28.54**

We hope to see you again soon.

[Amazon.com](https://www.amazon.com)**Buy it again**

Brawny Tear-A-Square Paper  
 Towels...



Body Fortress Super Advanced  
 Whey...

\$33.88

The payment for your invoice is processed by Amazon Payments, Inc. P.O. Box 81226 Seattle, Washington 98108-1226. If you need more information, please contact (866) 216-1075

By placing your order, you agree to Amazon.com's [Privacy Notice](#) and [Conditions of Use](#). Unless otherwise noted, items sold by [Amazon.com](https://www.amazon.com) are subject to sales tax in select states in accordance with the applicable laws of that state. If your order contains one or more items from a seller other than [Amazon.com](https://www.amazon.com), it may be subject to state and local sales tax, depending upon the seller's business policies and the location of their operations. Learn more about [tax and seller information](#).

This email was sent from a notification-only address that cannot accept incoming email. Please do not reply to this message.

162. Diligently, Nikki contacted Amazon right away on January 2 to cancel the order. She called the number on the Amazon electronic receipt, 1(888)280-4331, and then got a call back from Amazon. They told her they were cancelling the order and were informing the manufacturer.

1           163. Believing her account had been hacked, Nikki followed the instructions in the  
2 email from Amazon and enabled 2-factor authentication.

3           164. It was Nikki's understanding the shipment was cancelled and she gave it no  
4 further thought.

5           165. Unbeknownst to Nikki, the product had shipped on January 1, 2021, just hours  
6 after the purchase.

7           166. On January 5 or 6, 2021 Nikki saw some packages from Amazon had arrived and  
8 brought them inside. She'd recently made several purchases from Amazon that she was  
9 expecting – a computer microphone for Ethan, cat litter, a jewelry sizing tool, a dress, a floral  
10 headband, and some hair dye. She placed the packages on the counter unopened and went about  
11 her business.

12           167. In the morning of January 7, 2021, Nikki woke up and went down to the kitchen  
13 to make breakfast for her family as usual. Ethan didn't get up as he usually would, so Nikki went  
14 to wake Ethan up.

15           168. Nikki knocked on Ethan's bedroom door and received no response.

16           169. When she opened the door, she saw Ethan's still body lying in bed, his legs  
17 crossed at the ankles and one arm was raised straight in the air. She ran over to him and put her  
18 head on his chest. She touched his face. Nikki saw that Ethan's skin was mottled and felt cold.  
19 She saw thick reddish-brown liquid coming out of his mouth.

20           170. Nikki screamed for her son Caleb to come. Caleb ran into the room and the two  
21 handled Ethan's body. Nikki called 911 and EMS and the police arrived about fifteen minutes  
22 later.

23           171. When emergency responders arrived, Nikki noticed that on Ethan's desk was a  
24 bottle labeled Sodium Nitrite and next to it was a glass with white dried powder and a spoon.  
25 Nikki realized it was the same item for which she had received the Amazon receipt, the purchase  
26 that Amazon assured her was canceled.

172. The police pronounced Ethan dead at 10:56am on January 7, 2021. Ethan's cause of death was ruled a suicide, by ingestion of Sodium Nitrite. Per the Death Certificate, Ethan's cause of death was "Sodium Nitrite Intoxication." Ethan suffered excruciating pain in his final moments.

173. On Ethan's computer was a deleted folder named "my hopes and dreams."

174. Nikki blacked out, and the next thing she remembers was being at her mom's home getting helped into the shower. Nikki and her kids were too traumatized to ever stay another night in the home where Ethan had died. They stayed with Nikki's mom until she sold the house, and they moved out of state.

175. Over the next several weeks after Ethan died, Nikki experienced such overwhelming grief that a doctor prescribed Xanax to her on which she became dependent for a month. When she weaned herself from the Xanax, the pain hit her all over again. She was unable to work regularly for five months.

**Amazon and Loudwolf caused Plaintiffs' harms**

176. Amazon and Loudwolf are liable for promoting and aiding the suicides of Kristine and Ethan.

177. Amazon's bundling of Sodium Nitrite with acid-reducers, personal use scales, and an "Amazon edition" suicide manual that instructed people how to use Sodium Nitrite and referred them (with a link) to purchase it for cheap and with easy and fast delivery from Amazon are evidence of Amazon's knowledge and are just two of the many ways Amazon caused these deaths.

178. California public policy is clear and demonstrates that there is liability—even felony criminal liability via California Penal Code 401 PC—for causing or aiding another person to attempt suicide.



1           179. The only exception to California’s prohibition on assisting in another person’s  
2 suicide is the California “End of Life Option Act” which allows terminally ill adults to receive a  
3 drug to hasten their death under very controlled medical circumstances.

4           180. Likewise, aiding in another person’s death is illegal in Washington State, where  
5 Amazon was founded, and in Ohio where Kristine died. (See Washington State RCW 9A.36.060,  
6 Ohio Revised Code Section 3795.04). In West Virginia, where Ethan died, there is no specific  
7 criminal statute, but instead a common law tradition allowing prosecution for aiding a suicide.

8           181. There is no exception in criminal law that allows for the corporate-assisted suicide  
9 Loudwolf and Amazon have caused. Nor do the tightly construed exceptions for physician-  
10 assisted suicides in California and Washington contain provisions for corporate-assisted suicide.

11           182. Amazon and Loudwolf knew or should have known that they were facilitating and  
12 profiting from vulnerable people dying by suicide.

13           183. Had Amazon applied the standard of care it must use for its sales of Sodium Nitrite  
14 in the UK, it would have determined that Kristine and Ethan, neither of which had user histories  
15 of purchasing meat preservatives, made suspicious, reportable purchases of Sodium Nitrite.

16           184. Instead, Amazon sold the Loudwolf Sodium Nitrite for \$19.99, which was  
17 delivered within 3-4 days of both Kristine’s and Ethan’s purchases.

18           185. Amazon and Loudwolf were on notice that it was selling a dangerous product  
19 when it sold Loudwolf Sodium Nitrite to Kristine and Ethan.

20           186. Amazon defends its right to sell Sodium Nitrite (and other products known to be  
21 used for suicide) because it says some states immunize defendants that cause a personal injury  
22 where that injury occurred during an attempted or completed suicide.

23           187. Amazon falsely states that “[w]e are constantly innovating on behalf of our  
24 customers and working with regulators, third party experts, vendors, and sellers to improve the  
25 ways we detect and prevent illegal and unsafe products from reaching our marketplace. Amazon  
26

1 encourages you to report listings that violate Amazon’s policies or applicable law by contacting  
2 us. We will investigate each report thoroughly and take appropriate action.”<sup>9</sup>

3 188. Amazon has refused to work with United States regulatory or legislative  
4 authorities on the issue of Sodium Nitrite—it even ignored a letter from the top rulemaking  
5 authority in our country—Congress.

6 189. On January 25, 2022, the United States Congress sent a letter to President and  
7 Chief Executive Officer of Amazon, Andy Jassy, expressing its deep concern that Amazon is  
8 providing “minors and adults with easy access to sodium nitrite, a deadly chemical.” Congress  
9 expressed the belief that Amazon’s frictionless sale of Sodium Nitrite, combined with its speedy  
10 delivery of the product, caused deaths. (“When a person is having suicidal thoughts, limiting fast  
11 access to methods by which to die can make the difference between life and death, making the  
12 fact that sodium nitrite can be sold and delivered overnight with Amazon Prime, a grave  
13 concern.”).

14 190. Congress requested specific information on 15 different points, including the  
15 number of units of Sodium Nitrite it sold, Amazon’s manipulation of user reviews, Amazon’s  
16 labeling of Sodium Nitrite, and Amazon’s tracking methods to encourage sales of Sodium Nitrite.

17 191. Congress sought a response from Jassy by February 1, 2022. To date, neither  
18 Jasse nor Amazon have provided a substantive response to the Congressional inquiry.

19 192. Amazon had options available to mitigate the risk of selling dangerous and deadly  
20 Sodium Nitrite on its Marketplace, but it chose not to exercise those options.

21 193. Amazon was particularly well-positioned to assess health risks to consumers,  
22 manage labeling, and take care to be responsible with warnings because, among its other online  
23 retail functions, Amazon is a pharmacy that sells actual prescription drugs.

24 194. Amazon operates beneath the standard of care for online retailers when it comes  
25 to selling Sodium Nitrite products. While Amazon has made an affirmative decision to continue

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26 <sup>9</sup> <https://sellercentral.amazon.com/gp/help/external/200164330> (last visited September 27, 2022).

1 selling Sodium Nitrite, other online retailers banned the chemical years ago. Both Etsy and eBay  
2 stopped selling Sodium Nitrite when they learned it was frequently being used for suicide.

3 195. In 2019, eBay made the voluntary decision to globally prohibit the sale of Sodium  
4 Nitrite after learning it could be used for suicide. In a letter to a coroner in the UK who notified  
5 eBay of a tragic case of death by Sodium Nitrite, eBay said that in addition to adding Sodium  
6 Nitrite to its prohibited items policy in 2019, it had “update[d] its filters, which are used to detect  
7 and prevent the listing for sale of this chemical.” Upon learning that there had been an undetected  
8 sale of one unit of Sodium Nitrite in 2020 by an individual who listed it, eBay said it again  
9 updated its filters and dispatched its security team to do a sweep for any similar listings.

10 196. EBay took so seriously a single third party listing of one unit of Sodium Nitrite  
11 that it issued this public letter showing just how conscientious it is about prohibiting Sodium  
12 Nitrite sales on its platform. The letter also explained that EBay relies on a notice and takedown  
13 regime where members of the public can flag Sodium Nitrite listings or users offering it for sale,  
14 and it has a system for receiving notifications from regulators if one of their 1.6 billion active  
15 listings is selling it.

16 197. In contrast, upon receiving notice that the Sodium Nitrite it was selling and  
17 delivering was killing kids, Amazon made the informed decision, on the counsel and advice of  
18 their lawyers, to continue to sell a substance they know is sold over and over again for suicide.

19 198. Amazon also failed to take one of any number of simple ameliorative actions,  
20 such as: cease selling Sodium Nitrite; include adequate warnings; display accurate warning labels  
21 on the website and the bottle; describe Sodium Nitrite’s intended use (which can only be  
22 institutional at this purity level); retain bad reviews and one-star reviews for the product; ensure  
23 compliance with its own terms for product photography; indicate antidotes on the bottle and on  
24 the website; limit qualified purchasers; refuse to provide quick, no-questions-asked delivery of  
25 deadly chemicals; require age verification for all Amazon users; enforce their ban on not selling  
26 unsafe products; comply with the standards set forth for unsafe products sold by third party

1 sellers; establish a complete ban on selling Sodium Nitrite to minors; use clear language on the  
2 outside of packaging material to identify contents; apply the same standard of care as other  
3 platforms that have removed the product; apply the same standard of care to US customers as  
4 that required in the UK and the Netherlands; include suicide prevention brochures with the  
5 packaging; stop guiding consumers to other suicide products when browsing for Sodium Nitrate  
6 (*e.g.*, scales, instruction books, and antacids such as Tagamet); limit the ability to purchase any  
7 laboratory or medical grade chemicals; integrate an effective business verification mechanism to  
8 ensure vulnerable individuals are not purchasing poisonous chemicals; require dangerous  
9 products be clearly marked on the outside of the packaging to potentially alert household  
10 members; implement and staff a community standards and safety department that must launch  
11 investigations into reports of dangerous and deadly products; escalate reports of death and suicide  
12 caused by products purchased from Amazon; and flag situations where Sodium Nitrite is  
13 purchased under unusual circumstances – such as when the item is immediately archived in a  
14 person’s order history after purchase, when a person reports a purchase as a fraud, when a person  
15 purchases Sodium Nitrite in their first name only, when a person creates a new account to  
16 purchase Sodium Nitrite, when a person purchases Sodium Nitrite with no prior history of  
17 purchasing chemical products before, when a person purchases Sodium Nitrite obviously not  
18 during business hours and on holidays known for their increases in suicide, and when there is a  
19 global pandemic.

20 199. Plaintiff Kristin Jónsson suffers deep anguish in the form of physical,  
21 psychological, and emotional trauma caused by experiencing Kristine’s death. After Kristine’s  
22 death, she experienced overwhelming anxiety and depression, PTSD and/or prolonged grief. She  
23 experienced extreme weight loss, sleep disorders. She was put on medication for sleep and  
24 depression/anxiety. She has suicidal thoughts intruding into her daily life, was in daily therapy  
25 for three months. She wakes up in the middle of the night feeling terror about the safety of her  
26  
27

1 other kids, who also have experienced depression after the loss of their sister, and she is  
2 constantly scared for their safety.

3 200. Plaintiff Steinn Jónsson has been crippled from the suffering and pain caused by  
4 experiencing Kristine' death. He lost all enjoyment of life, had to stop working for seven weeks  
5 and was put on antidepressants for the first time in his life.

6 201. Plaintiff Nikki Maynor suffers deep anguish in the form of physical,  
7 psychological, and emotional trauma caused by experiencing Ethan's death. She was forced to  
8 relocate homes because of the trauma of seeing Ethan dead. For five months she could barely  
9 work, she was put on medication, and then experienced the pain of weening herself off of it and  
10 reexperiencing the trauma.

11 202. Plaintiff Nick McCarthy has been crippled from the suffering and pain caused by  
12 experiencing Ethan's death. He had a breakdown when he learned of his son's death, drove to  
13 the funeral home and insisted on hugging Ethan's body on the gurney. He tried to numb the pain,  
14 but had a nervous breakdown the next day, was hospitalized, and medicated. He suffers ongoing  
15 trauma from the shock and from seeing his son, and still requires ongoing medication to stay  
16 functional at his job.

## 17 CAUSES OF ACTION

### 18 Count I: Products Liability

#### 19 By all Plaintiffs Against Amazon and Loudwolf

20 203. Paragraphs 1-202 are realleged as if fully set forth herein.

21 204. Amazon is a product seller of Loudwolf Sodium Nitrite.

22 205. Loudwolf is a product seller and a manufacturer of Loudwolf Sodium Nitrite.

23 206. Loudwolf Sodium Nitrite is a product.

24 207. Loudwolf Sodium Nitrite is defective due to the lack sufficient instructions and  
25 warnings of potential safety hazards.

26 208. Loudwolf Sodium Nitrite is unreasonably dangerous.

209. Defendants jointly carry the liability of selling this defective product.

210. Plaintiffs used the product in a way that was reasonably foreseeable.

211. The product was in defective condition when it left Defendants' possession.

212. Amazon and Loudwolf, as product sellers, are liable the following non-exclusive respects:

a. Amazon and Loudwolf negligently failed to cease selling Sodium Nitrite.

b. Amazon and Loudwolf negligently failed to limit sales to qualified purchasers.

c. Amazon negligently promoted other suicide-related products along with Sodium Nitrite.

d. Amazon and Loudwolf negligently failed to limit consumers' ability to purchase laboratory or medical grade chemicals.

e. Amazon and Loudwolf negligently failed to provide adequate warnings, either on its website or along with the product when it shipped to consumers, concerning the painful death Sodium Nitrite causes.

f. Amazon and Loudwolf negligently failed to provide information on how to counteract Sodium Nitrite's poisonous affects.

g. Amazon and Loudwolf negligently failed to integrate an effective business verification mechanism to ensure vulnerable, household-based individuals are not purchasing poisonous chemicals.

h. Amazon and negligently failed to comply with its own terms and conditions for product labeling.

i. Loudwolf negligently failed to describe Sodium Nitrite's intended uses.

j. Amazon intentionally removed and concealed negative product reviews that warned consumers of the products use for death by suicide.

k. Amazon and Loudwolf negligently sold Loudwolf Sodium Nitrite to two children.

213. Amazon and Loudwolf are liable in one or more of the following non-exclusive respects: Loudwolf Sodium Nitrite was and is unsafe to an extent beyond that which would be contemplated by the ordinary consumer.

214. Amazon's and Loudwolf's tortious conduct directly and proximately caused both Ethan's and Kristine's deaths, excruciating pain prior to death, and all resulting damages set forth herein and below in Paragraphs 223-232.

**Count II: Negligence**

**By all Plaintiffs against Amazon and Loudwolf.**

215. Paragraphs 1-214 are realleged as if fully set forth herein.

216. Amazon and Loudwolf owed plaintiffs the following non-exclusive duties:

- a. To exercise reasonable care;
- b. To not assist or aid in a suicide attempt; and
- c. To not supply a substance for the use of another whom it knew or had reason to know to be likely to use it in a manner involving unreasonable risk of physical harm to himself.

217. Amazon and Loudwolf breached the above duties.

218. Defendants' tortious conduct directly and proximately caused both Kristine and Ethan's deaths, excruciating pain prior to death, and all resulting damages set forth herein and below in Paragraphs 223-232.

**Count III: Negligent Infliction of Emotional Distress**

**By Plaintiff Martinique Maynor against Amazon and Loudwolf.**

219. Paragraphs 1-218 are realleged as if fully set forth herein.

220. Amazon and Loudwolf owed plaintiffs a duty to exercise reasonable care to avoid causing their severe emotional distress. Defendants' duties included, but were not limited to, those liability duties set forth above.

221. Amazon and Loudwolf breached their duties.



222. Defendants' tortious conduct both directly and proximately caused Nikki's damages as set forth herein and below.

### **DAMAGES**

223. As a direct and proximate result of Defendants' tortious conduct, Ethan's and Kristine's Estates sustained damages, including, but not limited to, loss of accumulation of income, funeral expenses, pain and suffering, anxiety, emotional distress, humiliation, and other economic and non-economic damages in an amount to be proven at trial.

224. As a direct and proximate result of Defendants' tortious conduct, Ethan and Kristine sustained intense physical pain and suffering during their last moments alive.

225. As a direct and proximate result of Defendants' tortious conduct, Nikki and Nick sustained damages, including, but not limited to, funeral and burial expenses and the economic value of Ethan's services and support in an amount to be proven at trial.

226. As a direct and proximate result of Defendants' tortious conduct, Kristin and Steinn sustained damages, including, but not limited to, funeral and burial expenses and the economic value of Kristine's services and support in an amount to be proven at trial.

227. As a direct and proximate result of Defendants' tortious conduct, Nikki and Nick suffered the loss of love and the destruction of the parent-child relationship between Ethan, Nikki, and Nick, including the grief, mental anguish, and suffering resulting from Ethan's death, as well as the loss of companionship, including mutual society and protection, of Ethan, in an amount to be proven at trial.

228. As a direct and proximate result of Defendants' tortious conduct, Kristin and Steinn suffered the loss of love and the destruction of the parent-child relationship between Kristine, Kristin, and Steinn, including the grief, mental anguish, and suffering resulting from Kristine's death, as well as the loss of companionship, including mutual society and protection, of Kristine's, in an amount to be proven at trial.



1 C. For an award of economic damages and non-economic damages in an amount to  
2 be proven at trial;

3 D. For punitive damages against Amazon;

4 E. For punitive damages against Loudwolf;

5 F. For an award of pre-judgment and post-judgment interest;

6 G. For reasonable attorney fees and costs; and

7 H. For such other relief as the Court deems just and proper.

8 **DATED** this 29<sup>th</sup> day of September, 2022.

9 C.A. GOLDBERG, PLLC

10 

11 HANNAH MEROPOL (Bar No. 340095)

12 CARRIE GOLDBERG, *pro hac vice* admission forthcoming

13 NAOMI LEEDS, *pro hac vice* admission forthcoming

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17 carrie@cagoldberglaw.com

18 naomi@cagoldberglaw.com

19 *Attorneys for Plaintiff*

# **EXHIBIT B**



## Superior Court of Alameda County Public Portal

22CV018942 MCCARTHY, et al. vs AMAZON.COM, INC., A DELAWARE CORPORATION,...





Unlimited Civil (Product Liability (not Rene C. Davidson Courthouse / DEPT 17 - HON. Frank asbest...)) Roesch








Filed: 09/29/2022

Next Hearing: 02/17/2023 Initial Case Management Conference

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## Register of Actions

Date	Message	Category	Download
09/29/2022	Complaint Filed by: Nicholas McCarthy (Plaintiff); Nicholas McCarthy (Plaintiff); Martinique Maynor (Plaintiff); Laura Jonsson (Plaintiff); Laura Jonsson (Plaintiff); Steinn Jonsson (Plaintiff) As to: Amazon.com, Inc., a Delaware corporation (Defendant); Loudwolf, Inc., a California corporation (Defendant)	Document	
09/29/2022	Summons on Complaint Issued and Filed by: Nicholas McCarthy (Plaintiff); Nicholas McCarthy (Plaintiff); Martinique Maynor (Plaintiff); Laura Jonsson (Plaintiff); Laura Jonsson (Plaintiff); Steinn Jonsson (Plaintiff) As to: Amazon.com, Inc., a Delaware corporation (Defendant); Loudwolf, Inc., a California corporation (Defendant)	Document	
09/29/2022	Declaration Successor-In-Interest Declaration of Laura Jonsson Pursuant to Code of Civil Procedure Section 377.32 Filed by: Nicholas McCarthy (Plaintiff); Nicholas McCarthy (Plaintiff); Martinique Maynor (Plaintiff); Laura Jonsson (Plaintiff); Laura Jonsson (Plaintiff); Steinn Jonsson (Plaintiff) As to: Amazon.com, Inc., a Delaware corporation (Defendant); Loudwolf, Inc., a California corporation (Defendant)	Document	
09/29/2022	Civil Case Cover Sheet Filed by: Nicholas McCarthy (Plaintiff); Nicholas McCarthy (Plaintiff); Martinique Maynor (Plaintiff); Laura Jonsson (Plaintiff); Laura Jonsson (Plaintiff); Steinn Jonsson (Plaintiff) As to: Amazon.com, Inc., a Delaware corporation (Defendant); Loudwolf, Inc., a California corporation (Defendant)	Document	

Date	Message	Category	Download
09/29/2022	Miscellaneous - Other (Name Extension) Civil Case Cover Sheet Addendum Filed by: Nicholas McCarthy (Plaintiff); Nicholas McCarthy (Plaintiff); Martinique Maynor (Plaintiff); Laura Jonsson (Plaintiff); Laura Jonsson (Plaintiff); Steinn Jonsson (Plaintiff) As to: Amazon.com, Inc., a Delaware corporation (Defendant); Loudwolf, Inc., a California corporation (Defendant)	Document	
09/29/2022	Declaration Successor-In-Interest Declaration of Nicholas McCarthy Pursuant to Code of Civil Procedure Section 377.32 Filed by: Nicholas McCarthy (Plaintiff); Nicholas McCarthy (Plaintiff); Martinique Maynor (Plaintiff); Laura Jonsson (Plaintiff); Laura Jonsson (Plaintiff); Steinn Jonsson (Plaintiff) As to: Amazon.com, Inc., a Delaware corporation (Defendant); Loudwolf, Inc., a California corporation (Defendant)	Document	
09/29/2022	Notice of Case Management Conference Filed by: Clerk	Document	
09/29/2022	Notice of Case Assignment Filed by: Clerk	Document	
09/29/2022	Updated -- Complaint: As To Parties changed from Loudwolf, Inc., a California corporation (Defendant), Amazon.com, Inc., a Delaware corporation (Defendant) to Loudwolf, Inc., a California corporation (Defendant), Amazon.com, Inc., a Delaware corporation (Defendant)	Document	
09/29/2022	Updated -- Summons on Complaint: As To Parties changed from Amazon.com, Inc., a Delaware corporation (Defendant), Loudwolf, Inc., a California corporation (Defendant) to Loudwolf, Inc., a California corporation (Defendant), Amazon.com, Inc., a Delaware corporation (Defendant)	Document	
09/29/2022	Updated -- Summons on Complaint: Status changed from Issued and Filed to Filed	Document	
10/04/2022	Initial Case Management Conference scheduled for 02/17/2023 at 09:00 AM in Rene C. Davidson Courthouse at Department 17	Event	
10/04/2022	Case assigned to Hon. Frank Roesch in Department 17 Rene C. Davidson Courthouse	Assignment	







## Superior Court of Alameda County Public Portal

22CV018942 MCCARTHY, et al. vs AMAZON.COM, INC., A DELAWARE CORPORATION,...

Unlimited Civil (Product Liability (not asbest...)) Rene C. Davidson Courthouse / DEPT 17 - HON. Frank Roesch

Filed: 09/29/2022

Next Hearing: 02/17/2023 Initial Case Management Conference

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## Participants

NAME	ROLE
Amazon.com, Inc., a Delaware corporation	[DEF]
Frank Roesch	[]
Hannah Meropol	[ATT]
Laura Jonsson	[PLAIN]
Laura Jonsson	[PLAIN]
Loudwolf, Inc., a California corporation	[DEF]
Martinique Maynor	[PLAIN]
Nicholas McCarthy	[PLAIN]
Nicholas McCarthy	[PLAIN]
Steinn Jonsson	[PLAIN]

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# Superior Court of Alameda County Public Portal

**22CV018942** MCCARTHY, et al. vs AMAZON.COM, INC., A DELAWARE CORPORATION,...

**Unlimited Civil** (Product Liability (not Rene C. Davidson Courthouse / DEPT 17 - HON. Frank  
asbest...)) Roesch

Filed: 09/29/2022

Next Hearing: 02/17/2023 Initial Case Management  
Conference

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## Future Hearings

Date	Description	Dept
02/17/2023 09:00 AM	Initial Case Management Conference	RCD / Department 17

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address):

Hannah Meropol, State Bar No. 340095

C.A. Goldberg, PLLC

16 Court St, 33rd Fl, Brooklyn, NY 11241

TELEPHONE NO.: 646-666-8908

FAX NO. (Optional):

E-MAIL ADDRESS: hannah@cagoldberglaw.com

ATTORNEY FOR (Name): Nicholas McCarthy, Martinique Maynor, Laura Jonsson, Steinn Jonsson

FOR COURT USE ONLY

**FILED**Superior Court of California  
County of Alameda

09/29/2022

Clad Fluke, Executive Officer / Clerk of the Court

By: A. Linhares Deputy**SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda**

STREET ADDRESS: 24405 Amador Street

MAILING ADDRESS:

CITY AND ZIP CODE: Hayward, 94544

BRANCH NAME: Hayward Hall of Justice

CASE NAME:

McCarthy, et al., v. Amazon.com, Inc., et al.

**CIVIL CASE COVER SHEET**

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**

☐ Counter ☐ Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

**22CV018942**

JUDGE:

DEPT.:

*Items 1–6 below must be completed (see instructions on page 2).*1. Check **one** box below for the case type that best describes this case:**Auto Tort**

☐ Auto (22)  
☐ Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

☐ Asbestos (04)  
☒ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**

☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

**Employment**

☐ Wrongful termination (36)  
☐ Other employment (15)

**Contract**

☐ Breach of contract/warranty (06)  
☐ Rule 3.740 collections (09)  
☐ Other collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

**Real Property**

☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

**Unlawful Detainer**

☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

**Judicial Review**

☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403)**

☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**

☐ Enforcement of judgment (20)

**Miscellaneous Civil Complaint**

☐ RICO (27)  
☐ Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**

☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses  
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: Sept. 29, 2022

Hannah Meropol

(TYPE OR PRINT NAME)



(10/3/22)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

**Auto Tort**

Auto (22)–Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice–Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case–Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ–Administrative Mandamus  
Writ–Mandamus on Limited Court Case Matter  
Writ–Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal–Labor Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

## F. ADDENDUM TO CIVIL CASE COVER SHEET

## Short Title:

Nicholas McCarthy, et al., v. Amazon.com, Inc., et al.

## Case Number:

22CV018942

FILED

Superior Court of California  
County of Alameda

09/29/2022

Clerk of the Court

By: A. Linhares Deputy

## CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE  
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA☒ [X] Hayward Hall of Justice (447)☐ [ ] Oakland, Rene C. Davidson Alameda County Courthouse (446)☐ [ ] Pleasanton, Gale-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> [ ] 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> [ ] yes <input type="checkbox"/> [ ] no
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	<input type="checkbox"/> [ ] 75 Asbestos (D) <input checked="" type="checkbox"/> [X] 89 Product liability (not asbestos or toxic tort/environmental) (G) <input type="checkbox"/> [ ] 97 Medical malpractice (G) <input type="checkbox"/> [ ] 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	<input type="checkbox"/> [ ] 79 Bus tort / unfair bus. practice (G) <input type="checkbox"/> [ ] 80 Civil rights (G) <input type="checkbox"/> [ ] 84 Defamation (G) <input type="checkbox"/> [ ] 24 Fraud (G) <input type="checkbox"/> [ ] 87 Intellectual property (G) <input type="checkbox"/> [ ] 59 Professional negligence - non-medical (G) <input type="checkbox"/> [ ] 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	<input type="checkbox"/> [ ] 38 Wrongful termination (G) <input type="checkbox"/> [ ] 85 Other employment (G) <input type="checkbox"/> [ ] 53 Labor comm award confirmation <input type="checkbox"/> [ ] 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wrnty (06) Collections (09) Insurance coverage (18) Other contract (37)	<input type="checkbox"/> [ ] 04 Breach contract / Wrnty (G) <input type="checkbox"/> [ ] 81 Collections (G) <input type="checkbox"/> [ ] 86 Ins. coverage - non-complex (G) <input type="checkbox"/> [ ] 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	<input type="checkbox"/> [ ] 18 Eminent domain / Inv Cdm (G) <input type="checkbox"/> [ ] 17 Wrongful eviction (G) <input type="checkbox"/> [ ] 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	<input type="checkbox"/> [ ] 94 Unlawful Detainer - commercial <input type="checkbox"/> [ ] 47 Unlawful Detainer - residential <input type="checkbox"/> [ ] 21 Unlawful detainer - drugs Is the deft. in possession of the property? <input type="checkbox"/> [ ] Yes <input type="checkbox"/> [ ] No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	<input type="checkbox"/> [ ] 41 Asset forfeiture <input type="checkbox"/> [ ] 62 Pet. re: arbitration award <input type="checkbox"/> [ ] 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> [ ] Yes <input type="checkbox"/> [ ] No <input type="checkbox"/> [ ] 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	<input type="checkbox"/> [ ] 77 Antitrust / Trade regulation <input type="checkbox"/> [ ] 82 Construction defect <input type="checkbox"/> [ ] 78 Claims involving mass tort <input type="checkbox"/> [ ] 91 Securities litigation <input type="checkbox"/> [ ] 93 Toxic tort / Environmental <input type="checkbox"/> [ ] 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> [ ] 19 Enforcement of judgment <input type="checkbox"/> [ ] 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	<input type="checkbox"/> [ ] 90 RICO (G) <input type="checkbox"/> [ ] 88 Partnership / Corp. governance (G) <input type="checkbox"/> [ ] 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> [ ] 06 Change of name <input type="checkbox"/> [ ] 69 Other petition



<p align="center"><b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b></p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1221 Oak Street, Oakland, CA 94612</p>	<p align="center"><b>FILED</b> Superior Court of California County of Alameda 09/29/2022</p>
<p>PLAINTIFF(S): Nicholas McCarthy et al</p>	<p>Clad Flake, Executive Officer / Clerk of the Court By: <u>A. Linhares</u> Deputy</p>
<p>DEFENDANT(S): Amazon.com, Inc., a Delaware corporation et al</p>	
<p align="center"><b>NOTICE OF CASE ASSIGNMENT</b></p>	<p>CASE NUMBER: 22CV018942</p>

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: Frank Roesch  
DEPARTMENT: 17  
LOCATION: Rene C. Davidson Courthouse  
1221 Oak Street, Oakland, CA 94612  
PHONE NUMBER: (510) 267-6933  
FAX NUMBER:  
EMAIL ADDRESS: Dept17@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a.)(2) and 101.3)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording. Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

**GENERAL PROCEDURES**

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

**NOTICE OF CASE ASSIGNMENT**

**ASSIGNED FOR ALL PURPOSES TO**  
**JUDGE** Frank Roesch  
**DEPARTMENT** 17

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov).

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processed (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days." The court's website contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

**COURT RESERVATIONS**

The use of the Court Reservation System (CRS) is now mandated in many civil courtrooms within the Alameda County Superior Court. Instead of calling or emailing the courtroom to make a reservation, parties with a case assigned to a courtroom using CRS are directed to utilize CRS to make and manage their own reservations, within parameters set by the courtrooms. CRS is available 24 hours a day, seven days a week and reservations can be made from a computer or smart phone. Please note, you are prohibited from reserving more than one hearing date for the same motion.

Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at [www.eportal.alameda.courts.ca.gov](http://www.eportal.alameda.courts.ca.gov).

Chad Finke, Executive Officer / Clerk of the Court

By A. Linhares, Deputy Clerk

Hannah Meropol (CA Bar No. 340095)  
Carrie Goldberg (*pro hac vice* application forthcoming)  
Naomi Leeds (*pro hac vice* application forthcoming)  
**C.A. Goldberg, PLLC**  
16 Court St., 33<sup>rd</sup> Floor  
Brooklyn, NY 11241  
Telephone: 646-666-8908  
Fax: 347-599-9998  
Email: [hannah@cagoldberglaw.com](mailto:hannah@cagoldberglaw.com)  
*Attorneys for Plaintiffs*

**FILED**  
Superior Court of California  
County of Alameda  
09/29/2022  
Clad Fike, Executive Officer / Clerk of the Court  
By: A. Linhares Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

NICHOLAS MCCARTHY and  
MARTINIQUE MAYNOR, individually and  
NICHOLAS MCCARTHY as successor-in-  
interest to ETHAN MCCARTHY a deceased  
individual;  
LAURA JÓNSSON and  
STEINN JÓNSSON, individually, and  
LAURA JÓNSSON as successor-in-interest  
to KRISTINE JÓNSSON, a deceased  
individual;

Plaintiffs,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and  
LOUDWOLF, INC., a California  
corporation,

Defendants.

NO. **22CV018942**

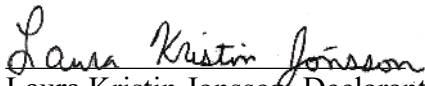
**SUCCESSOR-IN-INTEREST  
DECLARATION OF LAURA JÓNSSON  
PURSUANT TO CODE OF CIVIL  
PROCEDURE SECTION 377.32**

1 I, LAURA KRISTIN JONSSON, hereby declare as follows:

- 2 1. I am over the age of 18 years and the surviving parent of Decedent, KRISTINE  
3 JONSSON.
- 4 2. I make this declaration pursuant to Code of Civil Procedure Section 377.32 to allow me  
5 to commence any and all actions related to Decedent's claims against AMAZON.COM,  
6 INC and LOUDWOLF, INC. that survive her death.
- 7 3. The name of the Decedent is KRISTINE JONSSON.
- 8 4. Decedent died in Franklin County, Ohio on September 30, 2020.
- 9 5. No proceeding is now pending in California for the administration of Decedent's estate.
- 10 6. The Declarant is the authorized successor-in-interest (as defined in § 377.11 of the  
11 California Code of Civil Procedure) to Decedent and succeeds to the Decedent's interest  
12 in the action or proceeding.
- 13 7. No other person has a superior right to commence the action or proceeding or to be  
14 substituted for the Decedent in the pending action or proceeding.
- 15 8. A certified copy of Decedent's death certificate is attached.

16 I declare under penalty of perjury under the laws of the State of California that the  
17 foregoing is true and correct.

18 Executed on September 26, 2022, in Franklin County, Ohio.

19  
20   
21 Laura Kristin Jonsson, Declarant  
22  
23  
24  
25  
26  
27  
28

VERIFY PRESENCE OF ODH WATERMARK

HOLD TO LIGHT TO VIEW

Primary Reg. Dist. No. 2512

Ohio Department of Health  
VITAL STATISTICS  
CERTIFICATE OF DEATH

State File No. 2020102423

Registrar's No. 2500-2020011219

<b>DECEDENT</b>	1. Decedent's Legal Name (First, Middle, Last, Suffix) (Include AKA's if any) <b>KRISTINE ELIZABETH JONSSON</b>						2. Sex <b>FEMALE</b>	3. Date of Death (Mo/Day/Year) <b>SEPTEMBER 30, 2020</b>
	4. Social Security Number <b>298-08-3724</b>		5a. Age (Years) <b>16</b>	5b. Under 1 Year Months	5c. Under 1 day Hours	5d. Under 1 day Minutes	6. Date of Birth (Mo/Day/Year) <b>JANUARY 17, 2004</b>	7. Birthplace (City and State or Foreign Country) <b>COLUMBUS, OHIO</b>
	8a. Residence State <b>OHIO</b>		8b. County <b>FRANKLIN</b>			8c. City or Town <b>HILLIARD</b>		
	8d. Street Address and Zip Code <b>5302 TARLMEADOWS LN 43026</b>						9. Ever in US Armed Forces? <b>NO</b>	
<b>DISPOSITION</b>	10. Marital Status at Time of Death <b>NEVER MARRIED</b>						11. Surviving Spouse's Name (If wife, give name prior to first marriage)	
	12. Decedent's Education <b>9TH THRU 12TH GRADE; NO DIPLOMA</b>				13. Decedent of Hispanic Origin <b>NO</b>		14. Decedent's Race <b>WHITE</b>	
	15. Father's Name <b>STEINN JONSSON</b>				16. Mother's Name (prior to first marriage) <b>LAURA BILLMALER</b>			
	17a. Informant's Name <b>STEINN JONSSON</b>				17b. Relationship to Decedent <b>FATHER</b>		17c. Mailing Address (Street and Number, City, State, Zip Code) <b>5302 TARLMEADOWS LN HILLIARD, OHIO 43026</b>	
<b>CERTIFIER</b>	18a. Place of Death <b>VEHICLE</b>						18b. Facility Name (If not Institution, give street & number) <b>700 SHAWAN FALLS DR.</b>	
	18c. City or Town, State and Zip Code <b>DUBLIN, OH 43017</b>						18d. County of Death <b>FRANKLIN</b>	
	19. Funeral Service Licensee or Other Agent <b>JOSHUA H TIDD</b>				20. License Number (of licensee) <b>009284</b>		21. Name and Complete Address of Funeral Facility <b>TIDD FUNERAL HOME 9720 STATE ROUTE 161 PLAIN CITY, OH 43064</b>	
	22. Method and Place of Disposition <b>BURIAL - FOREST GROVE CEMETERY, PLAIN CITY, OH</b>						23. Local Registrar <b>SANDRA TAYLOR</b>	
<b>CAUSE OF DEATH</b>	24. Date Filed (Month/Day/Year) <b>OCTOBER 07, 2020</b>						25a. Certifier (Check only one) <input type="checkbox"/> Certifying Physician: To the best of my knowledge, death occurred at the time, date, and place; and due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Coroner or Medical Examiner: On the basis of examination and/or investigation, in my opinion, death occurred at the time, date, and place; and due to the cause(s) and manner stated.	
	26b. Time of Death <b>08:12</b>		26c. Date Pronounced Dead (Month/Day/Year) <b>SEPTEMBER 30, 2020</b>				26d. Was Case Referred to Medical Examiner or Coroner? <b>YES</b>	
	26e. Certifier Name and Title <b>ANAHI M ORTIZ MD</b>		26f. License number <b>35.063104</b>		26g. Date Signed (Month/Day/Year) <b>OCTOBER 07, 2020</b>			
	27. Name and Address of Person who Completed Cause of Death <b>ANAHI M ORTIZ, 2090 FRANK ROAD, COLUMBUS, OH 43223</b>							
<b>CAUSE OF DEATH</b>	28. Part I. Enter the disease, injuries, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock, or heart failure. List only one cause on each line. Type or print in permanent blue or black ink.						Approximate Interval: Onset and Death	
	Immediate Cause (Final disease or condition resulting in death)		a. <b>PENDING</b>					
	Sequentially list conditions, if any, leading to immediate cause		b. Due to (or as Consequence of)					
	Entire Underlying Cause (Disease or injury that initiated events resulting in death)		c. Due to (or as Consequence of)					
<b>CAUSE OF DEATH</b>	d. Due to (or as Consequence of)							
	Part II. Other significant conditions contributing to death but not resulting in the underlying cause given in Part I.						29a. Was An Autopsy Performed? <b>YES</b>	
							29b. Were Autopsy Findings Available Prior To Completion Of Cause of Death? <b>NO</b>	
	30. Did Tobacco Use Contribute to Death? <b>UNKNOWN</b>		31. If Female, Pregnancy Status <b>UNKNOWN</b>		32. Manner of Death <b>PENDING INVESTIGATION</b>			
<b>CAUSE OF DEATH</b>	33a. Date of Injury (Mo/Day/Year)		33b. Time of Injury		33c. Place of Injury (e.g., Decedent's home, construction site, restaurant, wooded area)			
	33d. Injury at Work?		33e. Location of Injury (Street and Number or Rural Route Number, City or Town, State)					
	33f. Describe How Injury Occurred:						33g. If Transportation Injury, Specify:	

10-1-2724 Rev. 08/18

Sandra Taylor, Franklin County Registrar

OCT 12 2020

I HEREBY CERTIFY THIS DOCUMENT IS AN EXACT COPY OF THE RECORD ON FILE WITH THE OHIO DEPARTMENT OF HEALTH.

VERIFY PRESENCE OF ODH WATERMARK

HOLD TO LIGHT TO VIEW

REV. 7/2015



<b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b>		Reserved for Clerk's File Stamp  <b>FILED</b> Superior Court of California County of Alameda 09/29/2022 Clad Fluke, Executive Officer / Clerk of the Court By: <u>A. Linhares</u> Deputy
COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1221 Oak Street, Oakland, CA 94612		
PLAINTIFF: Nicholas McCarthy et al		
DEFENDANT: Amazon.com, Inc., a Delaware corporation et al		
<b>NOTICE OF CASE MANAGEMENT CONFERENCE</b>		CASE NUMBER: 22CV018942

TO THE PLAINTIFF(S)/ATTORNEY(S) FOR PLAINTIFF(S) OF RECORD:

You are ordered to serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (Cal. Rules of Court, 3.110(b)).

Give notice of this conference to all other parties and file proof of service.

Your Case Management Conference has been scheduled on:

Date: 02/17/2023	Time: 9:00 AM	Dept.: 17
Location: Rene C. Davidson Courthouse 1221 Oak Street, Oakland, CA 94612		

TO DEFENDANT(S)/ATTORNEY(S) FOR DEFENDANT(S) OF RECORD:

The setting of the Case Management Conference does not exempt the defendant from filing a responsive pleading as required by law, you must respond as stated on the summons.

TO ALL PARTIES who have appeared before the date of the conference must:

Pursuant to California Rules of Court, 3.725, a completed Case Management Statement (Judicial Council form CM-110) must be filed and served at least 15 calendar days before the Case Management Conference. The Case Management Statement may be filed jointly by all parties/attorneys of record or individually by each party/attorney of record.

**Meet and confer**, in person or by telephone as required by Cal. Rules of Court, rule 3.724.

**Post jury fees** as required by Code of Civil Procedure section 631.

If you do not follow the orders above, the court may issue an order to show cause why you should not be sanctioned under Cal. Rules of Court, rule 2.30. Sanctions may include monetary sanctions, striking pleadings or dismissal of the action.

The judge may place a Tentative Case Management Order in your case's on-line register of actions before the conference. This order may establish a discovery schedule, set a trial date or refer the case to Alternate Dispute Resolution, such as mediation or arbitration. Check the court's eCourt Public Portal for each assigned department's procedures regarding tentative case management orders at <https://eportal.alameda.courts.ca.gov>.

<p align="center"><b>SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA</b></p>	<p align="center">Reserved for Clerk's File Stamp</p>
<p>COURTHOUSE ADDRESS: Rene C. Davidson Courthouse 1225 Fallon Street, Oakland, CA 94612</p>	<p align="center"><b>FILED</b> Superior Court of California County of Alameda 09/29/2022</p>
<p>PLAINTIFF/PETITIONER: Nicholas McCarthy et al</p>	<p>Chad Finke, Executive Officer / Clerk of the Court By: <u>A. Linhares</u> Deputy</p>
<p>DEFENDANT/RESPONDENT: Amazon.com, Inc., a Delaware corporation et al</p>	
<p align="center"><b>CERTIFICATE OF MAILING</b></p>	<p>CASE NUMBER: 22CV018942</p>

I, the below-named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that on this date I served the Notice of Case Management Conference upon each party or counsel named below by placing the document for collection and mailing so as to cause it to be deposited in the United States mail at the courthouse in Oakland, California, one copy of the original filed/entered herein in a separate sealed envelope to each address as shown below with the postage thereon fully prepaid, in accordance with standard court practices.

Hannah Meropol  
C.A. Goldberg, PLLC  
16 Court St., 33rd Floor  
Brooklyn, NY 11241

Chad Finke, Executive Officer / Clerk of the Court

Dated: 10/04/2022

By:

A. Linhares, Deputy Clerk

**CERTIFICATE OF MAILING**



Hannah Meropol (CA Bar No. 340095)  
Carrie Goldberg (*pro hac vice* application forthcoming)  
Naomi Leeds (*pro hac vice* application forthcoming)  
**C.A. Goldberg, PLLC**  
16 Court St., 33<sup>rd</sup> Floor  
Brooklyn, NY 11241  
Telephone: 646-666-8908  
Fax: 347-599-9998  
Email: [hannah@cagoldberglaw.com](mailto:hannah@cagoldberglaw.com)  
*Attorneys for Plaintiffs*

**FILED**  
Superior Court of California  
County of Alameda  
09/29/2022  
Clad Fike, Executive Officer / Clerk of the Court  
By: A. Linhares Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA

NICHOLAS MCCARTHY and  
MARTINIQUE MAYNOR, individually and  
NICHOLAS MCCARTHY as successor-in-  
interest to ETHAN MCCARTHY a deceased  
individual;  
LAURA JÓNSSON and  
STEINN JÓNSSON, individually, and  
LAURA JÓNSSON as successor-in-interest  
to KRISTINE JÓNSSON, a deceased  
individual;

Plaintiffs,

vs.

AMAZON.COM, INC., a Delaware  
corporation, and  
LOUDWOLF, INC., a California  
corporation,

Defendants.

NO. **22CV018942**

**SUCCESSOR-IN-INTEREST  
DECLARATION OF NICHOLAS  
MCCARTHY PURSUANT TO CODE  
OF CIVIL PROCEDURE SECTION  
377.32**

1 I, Nicholas McCarthy, hereby declare as follows:

- 2 1. I am over the age of 18 years and the surviving parent of Decedent, ETHAN  
3 MCCARTHY.
- 4 2. I make this declaration pursuant to Code of Civil Procedure Section 377.32 to allow me  
5 to commence any and all actions related to Decedent's claims against AMAZON.COM,  
6 INC. and LOUDWOLF, INC. that survive his death.
- 7 3. The name of the Decedent is ETHAN MCCARTHY.
- 8 4. Decedent died in Milton, West Virginia on January, 7, 2021.
- 9 5. No proceeding is now pending in California for the administration of the Decedent's  
10 estate.
- 11 6. The Declarant is the authorized successor-in-interest (as defined in § 377.11 of the  
12 California Code of Civil Procedure) to Decedent and succeeds to the Decedent's interest  
13 in the action or proceeding.
- 14 7. No other person has a superior right to commence the action or proceeding or to be  
15 substituted for the Decedent in the pending action or proceeding.
- 16 8. A certified copy of Decedent's death certificate is attached.

17 I declare under penalty of perjury under the laws of the State of California that the  
18 foregoing is true and correct.

19 Executed on September 26, 2022, in Austintown, Ohio.

20 

21 \_\_\_\_\_  
22 Nicholas McCarthy, Declarant  
23  
24  
25  
26  
27  
28



WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU FOR PUBLIC HEALTH - VITAL REGISTRATION OFFICE  
PHYSICIAN'S / MEDICAL EXAMINER'S CERTIFICATE OF DEATH  
350 CAPITOL STREET, ROOM 165, CHARLESTON, WV 25301

001175  
STATE FILE NUMBER

1. DECEDENT'S LEGAL NAME (include AKA's if any) (First, Middle, Last) <b>Ethan William McCarthy</b>		2. SEX <b>M</b>		3. SOCIAL SECURITY NUMBER <b>232-51-3794</b>	
4a. AGE (Last Birthday) <b>17</b>		4b. IF UNDER 1 YEAR Months: Days: Hours: Minutes:		5. DATE OF BIRTH (MM/DD/YYYY) <b>09-26-2003</b>	
6. BIRTHPLACE (City and State or Foreign Country) <b>Huntington WV</b>		7a. RESIDENCE (STATE) <b>WV</b>		7b. COUNTY <b>Cabell</b>	
7c. CITY OR TOWN <b>Milton</b>		7d. STREET AND NUMBER <b>930 Fudges Creek Road</b>		7e. APT. NO.	
7f. ZIP CODE <b>25541</b>		7g. INSIDE CITY LIMITS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		7h. 2nd LEGAL RESIDENCE - PROBATE USE ONLY - OPT.	
8. EVER IN US ARMED FORCES? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		9. MARITAL STATUS AT TIME OF DEATH <input type="checkbox"/> Married <input type="checkbox"/> Married, but separated <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never Married <input type="checkbox"/> Unknown		10. SURVIVING SPOUSE'S NAME (Give name prior to first marriage.)	
11. FATHER'S / PARENT 1'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) <b>Nicholas David McCarthy</b>		12. MOTHER'S / PARENT 2'S NAME PRIOR TO FIRST MARRIAGE (First, Middle, Last) <b>Martinique Nicole Maynor</b>			
13a. INFORMANT'S NAME <b>Martinique Maynor</b>		13b. RELATIONSHIP TO DECEDENT <b>Mother</b>		13c. MAILING ADDRESS (Street and Number, City, State, Zip Code) <b>930 Fudges Creek Road Milton WV 25541</b>	
14. PLACE OF DEATH (Check only one: see instructions)					
IF DEATH OCCURRED IN A HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> Emergency Room/Outpatient <input type="checkbox"/> Dead on Arrival <input type="checkbox"/> Hospice facility <input type="checkbox"/> Nursing home/Long term care facility <input checked="" type="checkbox"/> Decedent's home <input type="checkbox"/> Other (Specify):					
15. FACILITY NAME (If not institution, give street & number) <b>930 Fudges Creek Road</b>		16. CITY OR TOWN, STATE, AND ZIP CODE <b>Milton WV 25541</b>		17. COUNTY OF DEATH <b>Cabell</b>	
18. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Donation <input type="checkbox"/> Removal from State <input type="checkbox"/> Other (Specify):		19. PLACE OF DISPOSITION (Name of cemetery, crematory, other place - location in Box 20.) <b>Reger Funeral Home and Crematory</b>			
20. DISPOSITION LOCATION (City, State) <b>Ceredo WV</b>		21. NAME AND COMPLETE ADDRESS OF FUNERAL FACILITY <b>Reger Funeral Home, Inc. 1242 Adams Avenue Huntington WV 25704</b>			
22. SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH <i>Patrick J. Reger</i>		23. LICENSE NUMBER (Of Licensee) <b>1579</b>		24. DATE PRONOUNCED DEAD (MM/DD/YYYY) <b>1/7/2021</b>	
25. TIME PRONOUNCED DEAD <b>10:56 a.m.</b>		26. SIGNATURE AND TITLE OF PERSON PRONOUNCING DEATH (Only when pronouncer IS NOT also the certifier.)			
27. DATE SIGNED (MM/DD/YYYY)		28. ACTUAL OR PRESUMED DATE OF DEATH (MM/DD/YYYY) <b>1/7/2021 (found)</b>			
29. ACTUAL OR PRESUMED TIME OF DEATH <b>late a.m. (found)</b>		30. WAS MEDICAL EXAMINER OR CORONER CONTACTED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		31. IF YES, MEDICAL EXAMINER CASE# <b>21-0236</b>	
31. PART I. Enter the chain of events - diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. Enter only one cause on a line. Add additional lines if necessary.					
IMMEDIATE CAUSE (Final disease or condition resulting in death) → <b>Sodium Nitrite Intoxication</b>					
Due to (or as a consequence of):					
Sequentially list conditions, if any, leading to the cause listed on line a.					
Enter the UNDERLYING CAUSE (disease or injury that initiated the events resulting in death) LAST					
PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause in PART I.					
32a. WAS AN AUTOPSY PERFORMED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		32b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		33. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Probably <input type="checkbox"/> No <input checked="" type="checkbox"/> Unknown	
34. IF FEMALE <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the last year		35a. CAUSE/MANNER PENDING? <input checked="" type="checkbox"/> Pending Investigation <input type="checkbox"/> Date Amended <b>02/24/2021</b> See 35b. for Final Manner of Death		35b. FINAL MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Accident <input checked="" type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input type="checkbox"/> Could not be determined	
36a. DATE OF INJURY (MM/DD/YYYY) <b>found 01/07/21</b>		36b. TIME OF INJURY <b>late p.m. found</b>		36c. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, office building, wooded area) <b>Home</b>	
36d. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
36e. LOCATION OF INJURY: Street & Number: <b>930 Fudges Creek Road</b> Apt No.: City or Town: <b>Milton</b> State or Country: <b>WV</b> Zip Code: <b>25541</b>					
36f. DESCRIBE HOW INJURY OCCURRED <b>Intentionally, ingested sodium nitrite</b>					
36g. IF TRANSPORTATION INJURY: ROLE: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify): SEATBELT RESTRAINT STATUS: <input type="checkbox"/> Restrained <input type="checkbox"/> No restraint <input type="checkbox"/> Unknown HELMET STATUS: <input type="checkbox"/> Helmet <input type="checkbox"/> No helmet <input type="checkbox"/> Unknown					
37a. CERTIFIER (Check only one): <input type="checkbox"/> Certifying Physician or Qualified APRN / PA - To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input type="checkbox"/> Pronouncing & Certifying Physician or Qualified APRN / PA - To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Medical Examiner/Coroner - On the basis of examination and investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated.					
Signature of Certifier <i>C. Metin Savasman</i>		Date Certified <b>01/08/2021</b>			
37b. PRINT NAME, ADDRESS, AND ZIP CODE OF PERSON CERTIFYING TO CAUSE OF DEATH (Item 31.) <b>C. Metin Savasman, DCME, OCME Main</b>					
37c. TITLE OF CERTIFIER <b>MD</b>					
38. FOR OFFICIAL REGISTRAR USE ONLY - SIGNATURE OF REGISTRAR <i>Pamela Haynes</i>				39. FOR OFFICIAL REGISTRAR USE ONLY - DATE FILED <b>FEB 09 2021</b>	

Ethan W. McCarthy

NAME OF DECEDENT

DATE/  
TIME  
OF DEATH  
MUST BE  
COMPLETEDTYPE/PRINT  
IN  
PERMANENT  
BLACK  
INK



G0178759



G0178759

## STATE OF WEST VIRGINIA



This is to certify that this document is a true and accurate reproduction of an official record, or the facts abstracted from an official record, on file with:

Vital Statistics  
Bureau for Public Health  
West Virginia Department of Health and Human Resources  
Charleston, West Virginia.

Matthew R. Wickert  
State Registrar

The certified copy or information appears on the reverse side on multicolor surface.  
Document contains heat-sensitive stamp and watermark.

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**WARNING!**

**It is a crime punishable by fine and imprisonment to counterfeit or alter this certificate or to use the vital statistics record of another person for deceptive purposes.**

Date Certified: **Feb 24, 2021**



CIVIL COVER SHEET

The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Nicholas McCarthy and Martinique Maynor (See Attachment A)

**(b)** County of Residence of First Listed Plaintiff    Mahoning County, State of Ohio, USA  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c)** Attorneys (Firm Name, Address, and Telephone Number)  
  
Hannah Meropol/Carrie Goldberg/Naomi Leeds  
C.A. Goldberg, PLLC/ 16 Court Street, 33rd Floor / Brooklyn, NY 11241 / 646-666-8908

**DEFENDANTS**

Amazon.com, Inc., a Delaware corporation, and Loudwolf, Inc., a California corporation

County of Residence of First Listed Defendant    King County, State of Washington, USA  
(IN U.S. PLAINTIFF CASES ONLY)

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

Attorneys (If Known)  
  
Steven G. Williamson  
Perkins Coie LLP / 1888 Century Park East/ Ste 1700 / Los Angeles, CA 90067 / 310-788-3368

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

☐ 1 U.S. Government Plaintiff

☐ 2 U.S. Government Defendant

☐ 3 Federal Question  
(U.S. Government Not a Party)

☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

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

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

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

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<div>110 Insurance</div> <div>120 Marine</div> <div>130 Miller Act</div> <div>140 Negotiable Instrument</div> <div>150 Recovery of Overpayment Of Veteran's Benefits</div> <div>151 Medicare Act</div> <div>152 Recovery of Defaulted Student Loans (Excludes Veterans)</div> <div>153 Recovery of Overpayment of Veteran's Benefits</div> <div>160 Stockholders' Suits</div> <div>190 Other Contract</div> <div>195 Contract Product Liability</div> <div>196 Franchise</div>	<div><b>PERSONAL INJURY</b></div> <div>310 Airplane</div> <div>315 Airplane Product Liability</div> <div>320 Assault, Libel &amp; Slander</div> <div>330 Federal Employers' Liability</div> <div>340 Marine</div> <div>345 Marine Product Liability</div> <div>350 Motor Vehicle</div> <div>355 Motor Vehicle Product Liability</div> <div>360 Other Personal Injury</div> <div>362 Personal Injury -Medical Malpractice</div> <div><b>PERSONAL INJURY</b></div> <div>365 Personal Injury – Product Liability</div> <div>367 Health Care/ Pharmaceutical Personal Injury Product Liability</div> <div>368 Asbestos Personal Injury Product Liability</div> <div><b>PERSONAL PROPERTY</b></div> <div>370 Other Fraud</div> <div>371 Truth in Lending</div> <div>380 Other Personal Property Damage</div> <div>385 Property Damage Product Liability</div> <div><b>CIVIL RIGHTS</b></div> <div>440 Other Civil Rights</div> <div>441 Voting</div> <div>442 Employment</div> <div>443 Housing/ Accommodations</div> <div>445 Amer. w/Disabilities–Employment</div> <div>446 Amer. w/Disabilities–Other</div> <div>448 Education</div> <div><b>PRISONER PETITIONS</b></div> <div><b>HABEAS CORPUS</b></div> <div>463 Alien Detainee</div> <div>510 Motions to Vacate Sentence</div> <div>530 General</div> <div>535 Death Penalty</div> <div><b>OTHER</b></div> <div>540 Mandamus &amp; Other</div> <div>550 Civil Rights</div> <div>555 Prison Condition</div> <div>560 Civil Detainee–Conditions of Confinement</div>	<div>625 Drug Related Seizure of Property 21 USC § 881</div> <div>690 Other</div> <div><b>LABOR</b></div> <div>710 Fair Labor Standards Act</div> <div>720 Labor/Management Relations</div> <div>740 Railway Labor Act</div> <div>751 Family and Medical Leave Act</div> <div>790 Other Labor Litigation</div> <div>791 Employee Retirement Income Security Act</div> <div><b>IMMIGRATION</b></div> <div>462 Naturalization Application</div> <div>465 Other Immigration Actions</div>	<div>422 Appeal 28 USC § 158</div> <div>423 Withdrawal 28 USC § 157</div> <div><b>PROPERTY RIGHTS</b></div> <div>820 Copyrights</div> <div>830 Patent</div> <div>835 Patent–Abbreviated New Drug Application</div> <div>840 Trademark</div> <div>880 Defend Trade Secrets Act of 2016</div> <div><b>SOCIAL SECURITY</b></div> <div>861 HIA (1395ff)</div> <div>862 Black Lung (923)</div> <div>863 DIWC/DIWW (405(g))</div> <div>864 SSID Title XVI</div> <div>865 RSI (405(g))</div> <div><b>FEDERAL TAX SUITS</b></div> <div>870 Taxes (U.S. Plaintiff or Defendant)</div> <div>871 IRS–Third Party 26 USC § 7609</div>	<div>375 False Claims Act</div> <div>376 Qui Tam (31 USC § 3729(a))</div> <div>400 State Reapportionment</div> <div>410 Antitrust</div> <div>430 Banks and Banking</div> <div>450 Commerce</div> <div>460 Deportation</div> <div>470 Racketeer Influenced &amp; Corrupt Organizations</div> <div>480 Consumer Credit</div> <div>485 Telephone Consumer Protection Act</div> <div>490 Cable/Sat TV</div> <div>850 Securities/Commodities/ Exchange</div> <div>890 Other Statutory Actions</div> <div>891 Agricultural Acts</div> <div>893 Environmental Matters</div> <div>895 Freedom of Information Act</div> <div>896 Arbitration</div> <div>899 Administrative Procedure Act/Review or Appeal of Agency Decision</div> <div>950 Constitutionality of State Statutes</div>

**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 (specify)

☐ 6 Multidistrict Litigation–Transfer

☐ 8 Multidistrict Litigation–Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. §§ 1332, 1441, 1446.  
Brief description of cause:  
Plaintiff seeks damages for alleged personal injuries under negligence and product liability theories.

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. ☐

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S), IF ANY** (See instructions):

JUDGE

DOCKET NUMBER

**IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)**

(Place an "X" in One Box Only) ☒ SAN FRANCISCO/OAKLAND ☐ SAN JOSE ☐ EUREKA-MCKINLEYVILLE

DATE 10/04/2022

SIGNATURE OF ATTORNEY OF RECORD /s/ Steven G. Williamson

**CIVIL COVER SHEET**  
**ATTACHMENT A**

**I. (a) PLAINTIFFS:**

NICHOLAS MCCARTHY and MARTINIQUE MAYNOR, individually and NICHOLAS MCCARTHY as successor-in-interest to ETHAN MCCARTHY a deceased individual; LAURA JÓNSSON and STEINN JÓNSSON, individually, and LAURA JÓNSSON as successor-in-interest to KRISTINE JÓNSSON, a deceased individual;