UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW JERSEY

Paul R. D'Amato, Esquire (PD-7303) D'AMATO LAW FIRM 2900 Fire Road, Suite 200 Egg Harbor Township, New Jersey 08234 609-926-3300 Attorney for Plaintiff

| DAVID JARRETT, Plaintiff, -vs- | CAMDEN VICINAGE CASE NO: |
|---|---|
| AMAZON.COM, INC., SEARAY, LLC d/b/a EASYACC.A STORE, Defendants. | CIVIL ACTION COMPLAINT AND JURY DEMAND |

INTRODUCTION

Plaintiff David Jarrett residing in Gloucester County, New Jersey, brings this action against Defendants Amazon.com, Inc., and Searay, LLC d/b/a EasyAcc.A Store for personal injuries sustained when David was caused to become injured while using an EasyAcc 10000mAh Brilliant (Black+Orange) Ultra-Slim Dual USB (2.1A/1.5A Output) Power Bank Portable External Battery Charger (hereinafter "portable charger", "portable cell phone charger", or "cell phone charger") containing a lithium-ion polymer battery that was either designed, and/or manufactured, and/or marketed, and/or distributed, and/or tested, and/or sold and otherwise placed into the stream of commerce by Defendants Amazon.com, Inc. (hereinafter "Amazon"), and Searay, LLC d/b/a EasyAcc.A Store (hereinafter "EasyAcc").

JURISDICTION AND VENUE

1. Plaintiff is a resident of New Jersey.

- 2. Defendant Searay, LLC is a foreign corporation organized pursuant to the laws of the State of Delaware with a registered agent in Delaware and a business address listed in California.
- 3. Defendant Amazon is a foreign corporation organized pursuant to the laws of the State of Delaware and has its principal place of business located in the State of Washington.
- 4. Given the existence of complete diversity of citizenship and damages in excess of \$75,000, jurisdiction lies in the United States District Court for the District of New Jersey pursuant to 28 <u>U.S.C.</u> §1332(a), U.S. Constitution, Art. III, § 2 and 28 <u>U.S.C.</u> § 1332.

PARTIES

- 5. Plaintiff David Jarrett is a citizen of the United States and resides in Gloucester County, New Jersey.
- 6. Defendant Amazon is a foreign corporation organized pursuant to the State Laws of Delaware with its principal place of business at 410 Terry Ave. N Seattle, WA 98109 and with a registered agent of process located at 40 Technology Parkway S. Suite 300 Norcross, GA 30092.
- 7. Defendant EasyAcc is a corporation that is organized pursuant to the laws of the State of Delaware and has a registered agent at 36 Berkley Dr. Newark, Delaware 19702.
- 8. EasyAcc has listed the address of 161 117 W. Garvey Ave Monterey Park, CA 91754 on its Amazon Seller Profile.

COUNT ONE

(Strict Liability against Defendant Amazon)

9. On November 10, 2016, Plaintiff David Jarrett was at the Rowan University Student Center socializing with friends at the time of the incident in question.

- 10. Plaintiff is still a student at Rowan University.
- 11. Plaintiff's cell phone battery was low so he asked a friend if he could borrow the friend's portable cell phone charger.
- 12. Plaintiff, after being handed the charger, connected it to his phone and put it in his right pant pocket. Thereafter, the charger overheated, and then spontaneously ignited causing his pant pocket to catch on fire.
- 13. The Rowan University Police Department responded.
- 14. The Police Department incident report states in part:

Mr. Jarrett explained that while he was in Prof's Place, he noticed that his pocket was starting to get hot from an external portable cell phone charger. ... the portable charger combusted and fell on to the floor...

- 15. The Police Department report also states: "Mr. Jarrett's right inner thigh was beginning to blister and his right hand appeared to be charred."
- 16. Plaintiff was taken by the Rowan Emergency Medical Services (hereinafter "EMS") to Kennedy Memorial Hospital in Washington Township, New Jersey. The Rescue Squad Report states in part:

patient was playing pool with a portable charger in his pocket that was charging his phone. His portable charger engulfed into flames. The pants were on fire and friends helped to put out the flame.

- 17. At Kennedy Health System, Washington Township, the Plaintiff was diagnosed by physicians as sustaining first, second, and third degree burns to his right hand, right thigh, and calf. The Plaintiff was discharged to his dorm that evening.
- 18. The Plaintiff was examined at Crozer-Chester Medical Center, a specialty burn center in Pennsylvania on November 11, 2016.
- 19. Prior to the subject accident the mother of Plaintiff's friend purchased the aforesaid cell phone charger on April 14, 2014 from Amazon.com.

- 20. The portable charger was Amazon Order Number: 106-0472106-9154614.
- 21. The portable charger was sold on Amazon by Defendant EasyAcc.
- 22. The portable cell phone charger was manufactured in Shenzen Guangdong, China.
- 23. Amazon was incorporated in 1994 and opened its virtual doors in July 1995.
- <u>FAOS</u>, Amazon Investor Relations (May 18, 2017), http://phx.corporate-ir.net/phoenix.zhtml?c=97664&p=irol-faq.
- 24. Amazon is a publicly traded company.
- 25. Jeff Bezos, Founder and CEO, is the largest shareholder.
- 26. Amazon has more than 90,000 authors, sellers, and developers in New Jersey growing their businesses and reaching new customers on Amazon products and services. New Jersey. Amazon Economic Impact (May 18, 2017) https://www.amazon.com/p/feature/nsog9ct4onemec9?ref_=aa_navb_2&pf_rd_r=B ZZYT20RNTVEGXG1G3WM&pf_rd_p=66318aa8-5fd6-4920-bfdd-1355b28edf36#NJ.
- 27. Amazon has more than 13,000 employees in New Jersey. This does not include the thousands of seasonal positions Amazon hires each holiday season-jobs that are often converted into regular, full-time roles. <u>Ibid.</u>
- 28. There are nearly 26,000 charitable organizations in New Jersey that Amazon customers may support simply by shopping on AmazonSmile. Ibid.
- 29. On April 27, 2016, Amazon issued a press release announcing that it would be opening two new fulfillment centers in New Jersey. <u>Press Release: Amazon Expanding in New Jersey. Company to Open Two New Fulfillment Centers.</u> Amazon Press Room (April 27, 2016), http://phx.corporate-ir.net/phoenix.zhtml?c=176060&p=irol-newsArticle&ID=2161883

newsArticle&ID=2161883.

30. On April 21, 2017, Amazon issued a press release announcing the opening of three additional fulfillment centers in New Jersey. Press Release: Amazon to Create More than 2,500 Full-Time Jobs at Three Additional New Jersey Fulfillment Centers, Amazon Press Room (April 21, 2017), http://phx.corporate-ir.net/phoenix.zhtml?c=176060&p=irol-newsArticle&ID=2263584newsArticle&ID=2263584.

31. Founder-CEO-Chairman Jeff Bezos has been quoted as saying:

I am a mother bear when it comes to guarding our customer experience. And I spend the vast majority of my time analyzing our customer experience in a very fine-grained, analytical way with a lot of different metrics. Susanna Kim, Amazon Employees Respond to Scathing Article about Work Culture, ABC News (August 17, 2015, 3:54PM), http://abcnews.go.com/Business/amazon-employees-respond-scathing-article-work-culture/story?id=33137293

32. Bezos was also quoted as saying:

[the] fastest way to upset me and to make me into a not nice boss is to not have enough care and concern about some aspect of our customer experience. <u>Ibid.</u>

33. The 2016 Amazon Annual Report filed with the United Security Exchange Commission states the mission statement and guiding principles of Amazon in the following manner:

We seek to be Earth's most customer-centric company. We are guided by four principles: customer obsession rather than competitor focus, passion for invention, commitment to operation excellence, and long-term thinking. Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the fiscal year ended December 31, 2016: Amazon.com, Inc., 3, Amazon Investor Relations, SEC Filings (February 10, 2017), http://phx.corporate-ir.net/phoenix.zhtml?c=97664&p=irol-sec.

34. In a 2016 letter to the Amazon Shareholders, Jeff Bezos stated:

There are many advantages to a customer-centric approach, but here's the biggest one: customers are *always* beautifully, wonderfully dissatisfied, even when they report being happy and business is great. Even when they don't yet know it, customers want something better, and your desire to delight customers will drive you to invent on their behalf. Jeffrey P. Bezos, 2016 Letter to Shareholders, Amazon Press Room (April 12, 2017), https://www.amazon.com/p/feature/z6o9g6sysxur57t?ref_=aa_lc_0&pf_rd_r=HKAV388EJDX3H8PCRJYH&pf_rd_p=5626b5a2-fb1c-4fe9-93d9-7c7eb75d493c.

35. With respect to sellers, Amazon's 2016 Annual Report states:

We offer programs that enable sellers to grow their businesses, sell their products on our websites and their own branded websites, and fulfill orders through us. We are not the seller of records in these transactions. We earn fixed fees, a percentage of sales, per-unit activity fees, interest, or some combination thereof, for our seller programs. [Emphasis Added.] Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the fiscal year ended December 31, 2016: Amazon.com, Inc., 3, Amazon Investor Relations, SEC Filings (February 10, 2017), http://phx.corporate-ir.net/phoenix.zhtml?c=97664&p=irol-sec.

- 36. In an April 27, 2017, press release Amazon announced its financial results for its first quarter ended March 31, 2017. Amazon's sales were up 23% to \$35.7 billion.

 Press Release: Amazon.com Announces First Quarter Sales Up 23% to \$35.7 Billion,

 Amazon Press Room (April 27, 2017), http://phx.corporateir.net/phoenix.zhtml?c=176060&p=irol-newsArticle&ID=2266665.
- 37. The press release also announced that for the second year in a row (2015 and 2016), Amazon ranked #1 in corporate reputation in the 23,000 person Harris Poll. Ibid.

- 38. Additionally, U.S. consumers ranked Amazon.com #1 in the American Customer Satisfaction Index, a 10,000- person poll that measures perceptions of quality and value across retailers nationwide. Ibid.
- 39. According to a January 4, 2017 Press Release issued by Amazon, Amazon delivered more than 2 billion items for sellers worldwide in 2016 through their Fulfillment by Amazon program. Press Release: Sellers on Amazon are Thriving: Fulfillment by Amazon Delivered More than 2 Billion Items for Sellers Worldwide in 2016. Amazon Press Room (January 4, 2017), http://phx.corporate-ir.net/phoenix.zhtml?c=176060&p=irol-newsArticle&ID=2233730.
- 40. "Product seller" is defined by N.J.S. 2A:58C-8 as:

Any person who, in the course of a business conducted for that purpose: sells; distributes; leases: installs; prepares or assembles manufacturer's product according to the manufacturer's plan, intention, design, specifications or formulation; bends; packages; labels; markets; repairs; maintains or otherwise is involved in placing a product in the line of **commerce.** [Emphasis added.]

41. In its SEC filings, including annual and quarterly reports, Amazon list potential risk factors for its business, always among those risk factors is the following:

We May Be Subject to Product Liability Claims if People or Property Are Harmed by the Products We Sell or Manufacture

Some of the products we sell or manufacture may expose us to product liability claims relating to personal injury, death, or environmental or property damage, and may require product recalls or other actions. Certain third parties also sell products using our e-commerce services that may increase our exposure to product liability claims, such as if these sellers do not have sufficient protection from such claims. Although we maintain liability insurance, we cannot be certain that our coverage will be adequate for liabilities actually incurred or that insurance will continue to be available to us on economically reasonable terms,

or at all. In addition, some of our agreements with our vendors and sellers do not indemnify us from product liability. Annual Report Pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 for the fiscal year ended December 31, 2016: Amazon.com, Inc., 13, Amazon Investor Relations, SEC Filings (February 10, 2017), http://phx.corporate-ir.net/phoenix.zhtml?c=97664&p=irol-sec.

42. On their Help & Customer Service page Amazon states that:

Amazon monitors the products sold on our website for product safety concerns. In concerning situations, we may remove the product from the website, reach out to sellers and manufacturers for additional information, place relevant warnings on the product detail page, or take other actions depending on the situation.

We may also report product safety concerns to applicable government agencies in order to bolster their safety data and help facilitate any necessary recalls.

Recalls

Amazon monitors public recalls alert websites and also learns of recalls directly from manufacturers and vendors. When we learn of a recall, we suspend all impacted product offerings from our website and quarantine any related inventory in our fulfillment centers. We also reach out to any customers that previously purchased impacted products (and any seller that may have offered such products) to inform them about the recall.

If you have a specific question regarding a product recall, please contact the product manufacturer directly. If the manufacturer can't be reached, please contact the seller of the item. For more information about third party sellers Amazon.com, go to: About Ordering from a Third-Party seller. For Amazon-owned brands (such as Amazon Elements, AmazonBasics, Kindle, and Pinzon), please contact Amazon Customer Service. About Products Safety at Amazon, Help and Customer Service (June 2, 2017). https://www.amazon.com/gp/help/customer/displ ay.html?ie=UTF8&nodeId=565166.

43. The aforesaid page also explains:

If a dispute arises between you and a third-party seller, and you can't reach an agreement with them, the Amazon.com A-to-z Guarantee is available to you. For more information, go to A-to-z Guarantee Protection.

Note: If the seller's listing is eligible for Amazon Prime, Amazon Customer Service will handle any issues related to the order. Ibid.

- 44. Other portable chargers containing lithium-ion polymer batteries previously sold on Amazon have been recalled and are listed on the United State Consumer Product Safety Commission's website.
- 45. Brunton Outdoors recalled its lithium-ion battery packs due to fire hazard which were sold on Amazon.com on April 19, 2016. Brunton stated that, "the rechargeable ion polymer batteries can overheat and catch fire during charging, posing a fire hazard." Brunton Outdoors Recalls Battery Packs Due to Fire Hazard. United States Consumer Product Safety Commission (April 19, 2016), https://www.cpsc.gov/Recalls/2016/Brunton-Outdoors-Recalls-Battery-Packs/.
- 46. Goal Zero recalled its lithium-ion battery packs on November 25, 2014 due to fire hazard. The Goal Zero battery packs were sold on Amazon. <u>Goal Zero Recalls Battery Packs Due to Fire Hazard.</u> United States Consumer Product Safety Commission (November 25, 2014), https://www.cpsc.gov/Recalls/2014/goal-zero-recalls-battery-packs.
- 47. The hazard was described as, "the battery packs can overcharge, overheat, bulge and melt the battery pack's enclosure, posing a fire hazard and risk of property damage." <u>Ibid.</u>
- 48. In an article in Consumer Reports discussing the Samsung Galaxy Note 7 phones, the author stated"...they've [Lithium-ion batteries] caused fires in

hoverboards, laptops, in other phones, and even in the electrical system of a Boeing 787 Dreamliner jumbo jet." Why Lithium-Ion Batteries Still Explode, and What's Being Done to Fix the Problem, Consumer Reports.org (September 21, 2016), http://www.consumerreports.org/safety-recalls/why-lithium-ion-batteries-still-explode-and-whats-being-done-to-fix-the-problem/.

49. "Asia produces many non-brand replacement batteries that are popular with cell phone users because of low price. Many of these batteries don't provide the same high safety standard as the main brand equivalent." <u>Lithium-ion Safety</u>

<u>Concerns</u>, Battery University (June 7, 2017).

http://batteryuniversity.com/learn/archive/lithium_ion_safety_concerns

- 50. Amazon continues to sell lithium-ion battery packs like the one that caused Plaintiff's injuries, putting the public at risk for further injuries.
- 51. Defendant Amazon was and is engaged in the marketing, distribution, and sale of the subject portable charger. As the marketer, and seller of the subject product, Defendant was under a duty to exercise due care in the marketing, distribution, and sale of the aforesaid portable charger.
- 52. Many other lithium-ion battery packs not sold on Amazon were recalled due to fire hazard prior to the incident at hand.
- 53. On April 25, 2015 fire originated in a Vincent Farace's Easy ACC charger at a property leased by Mr. Farace. Mr. Farace's property was caused to catch on fire and burn. In turn, Allstate Insurance Company paid him \$34,757.08 and filed a subrogation lawsuit against Amazon and Easy ACC. See Exhibit "A".
- 54. Attached hereto and made a part hereof as <u>Exhibit "A"</u> is a true and accurate copy of the Complaint in <u>Allstate Insurance Company a/s/o Vincent Farace v. Amazon.</u>
 <u>Inc.</u>

- 55. On July 4, 2015, an Easy ACC battery charger caught on fire in another Pennsylvania man, Julian Bradley's pocket causing similar injuries to the ones sustained by Mr. Jarrett. See Exhibit"B".
- 56. Attached hereto and made a part hereof as <u>Exhibit "B"</u> is a true and accurate copy of the Complaint in <u>Bradley v. Easy ACC and Amazon.com</u>, <u>Inc.</u>
- 57. On and prior to May 22, 2013, Defendant Amazon marketed and allowed to be sold or otherwise enter the stream of commerce the aforesaid portable charger within the State of New Jersey.
- 58. Prior to the aforesaid November 10, 2016 accident involving David Jarrett, Defendant Amazon through its employees, agents, and representatives had actual and/or constructive knowledge that the subject portable charger posed a risk of serious damage and injury to consumers because of a defect that caused the portable charger to spontaneously overheat and ignite.
- 59. Defendant Amazon, in a breach of its duty described above, marketed, allowed to be sold on its website, and placed in the stream of commerce the aforesaid portable charger in such a way that it was rendered unreasonably dangerous in that Defendant Amazon:
 - a. Failed to warn Plaintiff that using the portable charger for the purpose for which it was intended creates an unreasonable fire and burn hazard;
 - b. Failed to inspect the portable charger to determine whether it was properly manufactured;
 - c. Failed to remove the portable charger from the stream of commerce when Defendant Amazon became aware of prior burn injuries and property damage;

- d. Failed to issue a warning or recall of the aforesaid portable charger after learning of other incidents in which the product caused burn injuries.
- 60. At the aforesaid place and time, Plaintiff used the aforesaid portable charger in the manner for which it was intended and in a manner reasonably foreseeable by Defendant Amazon.
- 61. The subject charger was not reasonably fit, suitable or safe for the intended purposes because (a) said product deviated from the design, specifications, formulae, or performance standards of Defendant Amazon or from otherwise identical products manufactured to the same manufacturing specifications, or formulae, and (b) because the aforesaid products failed to contain adequate warnings or instructions, and (c) because the aforesaid product was designed in a defective manner.
- 62. Subsequent to the design, manufacture, consulting. Distribution and/or sale of the subject products, all the defendants whose names are stated in the caption of the within Complaint, acquired knowledge of the defective condition of the subject product and failed to properly warn owners of the subject product and foreseeable users of the subject product of the defective conditions of said product.
- 63. The aforesaid product was the proximate cause of the Plaintiff's injuries.
- 64. As a result of the aforesaid accident, Plaintiff suffered injuries requiring medical treatment, was caused pain and suffering, was prevented from pursuing usual activities, and has permanent scars and disabilities that will affect Plaintiff.
- 65. Plaintiff will need plastic surgery in the future to reduce the scars from the burn.
- 66. Defendant Amazon is strictly liable to Plaintiff for the injuries and damages complained of herein by reason of having marketed, distributed, packaged, sold and

placed into the stream of commerce a defective portable charger that was unreasonably dangerous to users.

WHEREFORE, Plaintiff David Jarrett demands judgment against Defendant Amazon for compensatory damages, interest, attorney's fees and costs of suit.

COUNT TWO

(Strict Liability against Defendant EasyAcc)

- 67. Plaintiff repeats the allegations of the previous count as if same were set forth at length herein.
- 68. At all relevant times, Defendant EasyAcc was and is a foreign corporation with a principal registered agent in Newark, Delaware.
- 69. On and prior to November 10, 2016, Defendant EasyAc designed, formulated, produced, manufactured, created, made, marketed, packaged, labeled, constructed, distributed, tested and sold the aforesaid portable charger within the State of New Jersey using Amazon.com.
- 70. As the manufacturer, distributor, marketer, tester, supplier and seller of the subject product, Defendant EasyAcc was under a duty to exercise due care in the design, manufacture, marketing, distribution, testing and sale of the aforesaid portable charger.
- 71. All of EasyAcc's products including the subject battery charger are manufactured in China. See Exhibit "C".
- 72. Attached hereto and made a part hereof as <u>Exhibit "C"</u> is an EasyAcc owner's manual.
- 73. According to statistics compiled from the United States Consumer Product Safety Commission as of March 29, 2017, approximately 51% of all recalls issued by the Commission are of Chinese manufactured products. See Exhibit "D".

- 74. Attached hereto and made a part hereof as <u>Exhibit "D"</u> is a true and accurate copy of the Product Recall Statistics from Statistic Brain.com.
- 75. As of October 26, 2015, the Consumer Product Safety Commission had documented 540 complaints involving all types of charging devices. <u>I-Team: Portable Battery Chargers Could Explode, Cause Fire, CBS Boston, Ryan Kath (October 26, 2015)</u>, http://boston.cbslocal.com/2015/10/26/i-team-battery-chargers-explosion-fire/.
- 76. EasyAcc has a blog section on their website. EasyAcc employees write different blog posts based on what is happening the world of technology.
- 77. On August 17, 2016, an EasyAcc employee identified by the name Chocolate published a blog post titled, Why Power Banks Explode, in which the author discusses a recent incident where a man's power bank exploded while charging a man's cell phone in his pocket. The article further states reasons why a power bank would explode. These include Low Battery Quality, Wrong Circuit, and User Error. See Exhibit "E".
- 78. Attached hereto and made a part hereof as <u>Exhibit "E"</u> is a true and accurate copy of the August 17, 2016 blog post found on the EasyAcc website.
- 79. In a September 28, 2016, blog post titled <u>GIVEAWAY-EasyACC kills your fear</u> of Power Bank Explosion, an apparent Easy ACC employee identified as Shirley talks about the Galaxy Note 7 explosions and the explosions of other battery packs. <u>See</u> Exhibit "F".
- 80. Attached hereto and made a part hereof as <u>Exhibit "F"</u> is a true and accurate copy of the referenced blog post from the EasyAcc website.
- 81. The portable charger used by the Plaintiff was sold by Defendant EasyAcc in a defective condition and was unreasonably dangerous to users, including Plaintiff.

- 82. Prior to the aforesaid November 10, 2016 accident, Defendant EasyAcc, through its employees, agents, and representatives had actual and/or constructive knowledge that the subject portable charger posed a risk of serious damage and injury to consumers because of a defect that caused the chargers to spontaneously ignite.
- 83. Defendant EasyAcc in a breach of its duty described above, designed, formulated, produced, manufactured, created, made, marketed, packaged, labeled, constructed, distributed, tested and sold the aforesaid portable charger in such a way that it was rendered unreasonably dangerous in that Defendant EasyAcc:
 - a. Designed the aforesaid portable charger utilized by Plaintiff in a manner that caused the product to spontaneously ignite when the product is used for the purpose for which it was intended;
 - b. Manufactured the portable charger so as to create defects in the product resulting in unreasonable fire and burn hazards when used for the purpose for which it was intended;
 - c. Failed to warn Plaintiff that using the portable charger for the purpose for which it was intended creates an unreasonable fire and burn hazard;
 - d. Failed to inspect the portable charger to determine whether it was properly manufactured;
 - e. Failed to remove the portable charger from the stream of commerce when Defendant Easy Acc became aware of prior fires and/or burn injuries;

- f. Failed to issue a warning or recall of the aforesaid portable charger after learning of other incidents in which the product caused burn injuries; and
- 84. At the aforesaid place and time, Plaintiff used the aforesaid portable charger in the manner for which it was intended and in a manner reasonably foreseeable by Defendant.
- 85. The subject charger was not reasonably fit, suitable or safe for the intended purposes because (a) said product deviated from the design, specifications, formulae, or performance standards of Defendant or from otherwise identical products manufactured to the same manufacturing specifications, or formulae, and (b) because the aforesaid products failed to contain adequate warnings or instructions, and (c) because the aforesaid products were designed in a defective manner.
- 86. The aforesaid product was the proximate cause of the Plaintiff's injuries.
- 87. The EasyAcc website states in reference to their power banks, "...simply charge it up at home, throw it in your bag or your pocket, and connect it to your phone whenever it needs a quick battery boost." How to Choose Power Bank for Your Phone and Tablet, EasyAcc Media Center, (June 7, 2017), https://www.easyacc.com/media-center/how-to-choose-power-bank-for-your-phone-and-tablet/.
- 88. As a result of the aforesaid accident, Plaintiff suffered injuries requiring medical treatment, was caused pain and suffering, was prevented from pursuing usual activities, and has permanent scars and disabilities that will affect Plaintiff.
- 89. Plaintiff will need plastic surgery in the future to reduce the scar from the burn.

Defendant EasyAcc is strictly liable to Plaintiff for the injuries and damages 90. complained of herein by reason of having designed, manufactured, marketed, distributed, sold, and placed into the stream of commerce a defective portable charger which was unreasonably dangerous to users.

WHEREFORE, Plaintiff David Jarrett demands judgment against Defendant EasyAcc for compensatory damages, interest, attorney's fees and costs of suit.

COUNT THREE

(As against All Defendants for Punitive Damages)

- Plaintiff repeats the allegations of the previous paragraphs as if same were set 91. forth at length herein.
- At all times relevant hereto, all Defendants named in this action acted with 92. deliberate indifference to the welfare and safety of Plaintiff David Jarrett.
- The Defendants acts or omissions were actuated by actual malice or 93. accompanied by a wanton and willful disregard of persons who foreseeably might be harmed by those acts or omissions.
- Plaintiff is entitled to punitive damages for the intentional acts and omissions 94. and wanton and willful disregard for persons who foreseeable will be harmed by the acts and omissions of the Defendants pursuant to N.J.S.A. 2A:15-5.12.

WHEREFORE, Plaintiff David Jarrett demands judgment against Defendant Amazon and EasyAcc for punitive damages, interest and costs of suit.

JURY DEMAND

Plaintiff demands a jury trial.

D'AMATO LAW FIRM, P.C.

By: s/Paul R. D'Amato
Paul R. D'Amato, Esquire

Dated:

August 23, 2017

CERTIFICATION

PAUL R. D'AMATO, ESQUIRE of full age, certifies:

- 1. I am a member of the D'Amato Law Firm, P.C. and am entrusted with the preparation and trial of this case.
- 2. This case is not the subject of any other court action or arbitration proceeding.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

By: ___s/Paul R. D'Amato

Paul R. D'Amato, Esquire Attorney for Plaintiff 2900 Fire Road, Suite 200 Egg Harbor Township, New Jersey 08234 paul@damatolawfirm.com (609) 926-3300

Dated:

August 23, 2017

EXHIBIT "A"

SANDLER & MARCHESINI, P.C. BY: PAUL N. SANDLER, ESQUIRE ATTORNEY I.D. NO. 15711

1500 Walnut Street, Suite 2020 Philadelphia, PA 19102

(215) 568-9300

Attorney for Plaintiff

COURT OF COMMON PLEAS

PHILADELPHIA COUNTY

ALLSTATE INSURANCE COMPANY a/s/o : VINCENT FARACE : 1200 Atwater Drive, Suite 110 :

1200 Atwater Drive, Suite 110 Malvern, PA 19355

V.

NO.

AMAZON, INC. 1200 12th Avenue South, Suite 1200 Seattle, WA 98144-2734

CIVIL ACTION COMPLAINT

- 1. Plaintiff is an insurance company authorized to write policies of insurance in the Commonwealth of Pennsylvania with an office at the above -stated address.
- 2. Defendant, Amazon, Inc., is a corporation engaged in the sale of merchandise with an office at the above-stated address.
- 3. Plaintiff's insured's roommate purchased a Easy ACC battery charger (hereinafter referred to as "charger") from the Defendant which was manufactured by Easy ACC Technologies in China.
- 4. On or about April 25, 2015, a fire originated in the charger at a property leased by Plaintiff's insured at 2022 E. Susquehanna Avenue, Philadelphia, Pennsylvania.

COUNTI

- 5. Plaintiff incorporates by reference Paragraphs 1 through 4 as though each and every allegation were set forth fully at length.
 - 6. Defendant did sell and distribute the charger in question.
- 7. The charger was sold to the Plaintiff's insured's roommate and did reach the Plaintiff's insured's roommate without a substantial change in the condition in which it was sold.
- 8. At the time of sale of the Defendant, the charger was defective to the user by reason of one or more of the following defects in design and manufacture:
 - a. Failing to provide a safe electrical system in the charger;
 - b. Failing to provide proper materials and component parts when manufacturing the charger;
 - c. Failure to provide adequate warnings, cautions or instruction on said charger;
 - d. Failure to make reasonable inspections to discover defects in said charger;
 - e. Failure to discover the aforesaid defects;
 - f. Failure to design the aforesaid charger in a safe condition; and
 - g. Failure to provide safe component parts for the charger.
- 9. The dangers involved in the charger were unknown and unacceptable to the average or ordinary consumer.
- 10. A reasonable person would conclude that the probability and seriousness of harm caused by the product outweighed the burden or cost of taking precautions.
- 11. As a direct result of the defective design and manufacture of said charger,
 Plaintiff's insured sustained property damage including, but not limited to, the damages

evidenced by a true and correct copy of estimates attached hereto, made part hereof and referred to as Exhibit "A".

- 12. At all times relevant hereto, the Plaintiff provided a policy of insurance to it insured, Vincent Farace.
- 13. As a result of the aforesaid policy, Plaintiff paid its insured the sum of \$34,757.08 including the insured's deductible.
- 14. As a result of the aforesaid payment, Plaintiff is subrogated to all right, title and interest in and to said claim.

WHEREFORE, Plaintiff, Allstate Insurance Company a/s/o Vincent Farace, demands judgment against Defendant, Amazon, Inc., in the sum of \$34,757.08 together with interest from April 25, 2015 plus costs of this suit.

COUNT II

- 15. Plaintiff incorporates by reference Paragraphs 1 through 14 as though each and every allegation were set forth fully at length.
 - 16. The charger sold and distributed by the Defendant malfunctioned.
- 17. The charger was only used for the normal and/or anticipated use prior to the fire. No secondary causes were responsible for the fire.
- 18. As a result of the aforesaid malfunction, the Plaintiff sustained damages as set forth in Count I hereof which are incorporated by reference herein.

WHEREFORE, Plaintiff, Allstate Insurance Company a/s/o Vincent Farace, demands judgment against Defendant, Amazon, Inc., in the sum of \$34,757.08 together with interest from April 25, 2015 plus costs of this suit.

COUNT III

- 19. Plaintiff incorporates by reference Paragraphs 1 through 18 as though each and every allegation were set forth fully at length.
- 20. Plaintiff's aforesaid damages are a direct result of the negligence and carelessness of the Defendant consisting of, but not limited to, the following:
 - a. Failure to issue proper warnings of a dangerous condition;
 - b. Failure to use due care in inspecting the aforesaid charger;
 - c. Selling a charger with a defective design in that said charger incorporated inferior materials and component parts;
 - d. Failure to use due care in having adequate materials and component parts in Defendant's charger; and
 - e. Failure to discover and warn users of the dangers inherent in the design and manufactured in said charger.

WHEREFORE, Plaintiff, Allstate Insurance Company a/s/o Vincent Farace, demands judgment against Defendant, Amazon, Inc., in the sum of \$34,757.08 together with interest from April 25, 2015 plus costs of this suit.

COUNT IV

- 21. Plaintiff incorporates by reference Paragraphs 1 through 20 as though each and every allegation were set forth fully at length.
 - 22. Defendant was the seller and/or distributor of the charger in question.
- 23. Defendant breached the implied warranty of merchantability and implied warranty of fitness for a particular purpose arising from the sale of said charger in that:
 - Said charger would not pass without objection in the trade and was not fit for the ordinary purposes for which said charger is used; and
 - b. Defendant knew the purposes for which the charger was required, knew that the buyer was relying on the Defendant's skill and

judgment to furnish a suitable charger, and said charger was unsafe and not fit for the purpose for which it was sold.

24. As a direct result of Defendant's breach of implied warranties, Plaintiff suffered damages as set forth more fully in Count I, which is incorporated by reference herein as though set forth more fully at length.

WHEREFORE, Plaintiff, Allstate Insurance Company a/s/o Vincent Farace, demands judgment against Defendant, Amazon, Inc., in the sum of \$34,757.08 together with interest from April 25, 2015 plus costs of this suit.

SANDLER & MARCHESINI, P.C.

BY

AUL N. SANDLER, ESQUIRE

Attorney for Plaintiff

EXHIBIT "B"

Case 2:17-cv-01587-MSG Document 1 Filed 04/07/17 FINE AND STAUD, LLC: ATTORNEYS FOR PLAINTIFF BY: FEEDAR. MUSITIEF, ESQUIRE Attorney L.D.: 202768 1333 RACE STREET PHILADELPHIA, PA 19107-1585 215-665-0100 MAJOR JURY Finusitief@FincandStand.com JULIAN BRADLEY COURT OF COMMON PLEAS 319 E. Mill Road PHILADELPHIA COUNTY Hatboro, PA 19040 Plaintiff; TBRM 2017 EASYACC.COM, INC. NO .: TRIAL BY JURY DEMANDED and AMAZON.COM, INC. 410 Terry Avenue North Seattle, WA 98109 Defendants

COMPLAINT

Plaintiff, Julian Bradley, by and through his attorneys, Pine and Staud, LLC states he has multiple causes of action against Defendants, Easyace.com, Inc and Amazon.com, Inc and in support thereof avers the following:

I. PARTIES

- 1. Plaintiff, Julian Bradley, is an adult individual and resident of the Communwealth of Pennsylvania residing at the above stated address.
- 2. Defendant, Easyacc.com, Inc ("BasyAcc"), upon information and belief, is a corporation existing by virtue of the laws of China/Hong Kong which regularly conducts business in the Commonwealth of Pennsylvania, with substantial contacts in the Commonwealth of Pennsylvania. After reasonable investigation, Plainliff is unaware of a good address for service of the Complaint for Defendant, EasyAcc.

- 3. EasyAcc is vicariously liable for the negligent and/or reckless acts and/or omissions of its employees, servents, workmen, and/or agents who at all material times were acting or failing to act in the course and scope of their employment, authority, and/or agency. At all material times, Easyace was the manufacturer of EasyAcc Ichoc Power Bank 5000 which is an external battery pack charger for Iphone and other smart devices (hereinafter "Charger").
- 4. Defendant, America com, Inc ("Amazon"), upon information and belief, is a corporation and online commerce giant which regularly conducts business in the Commonwealth of Pennsylvania, with substantial contacts in the Commonwealth of Pennsylvania, and with offices at the above stated address,
- 5. Amazon is vicariously liable for the negligent acts and/or omissions of its employees, servants, workmen, and/or agents who at all material times were acting or failing to not in the course and scope of their employment, authority, and/or agency.
- 6. At all material times, Amazon sold and distributed the Charger.

II. JURISDICTION AND VENUE

7. Jurisdiction and Venue are proper in the Court of Common Pleas in Philadelphia County, Commonwealth of Pennsylvania in that Defendants regularly conduct business in Philadelphia and all events relevant to this matter occurred in Philadelphia County, Commonwealth of Pennsylvania,

III. OPERATIVE FACTS

- 8. On or about July 4, 2015, Plaintiff, Julian Bradley's fiances, Lauren Henriques, purchased for him the Charger to charge his Iphone under order # 115-3206735-0713052 from Amazon.
- 9. At all material times, the Charger was wireless.
- 10. On or about March 18, 2016, Plaintiff, Julian Bradley, was charging his Iphone and placed his Iphone and the Charger in his right leg Jean's pocket.

- 11. At all times relevant, while Plaintiff, Julian Bradley, was charging his Iphone using the Charger, the Charger, suddenly and without warning, ignited, exploded and caught fire causing severe and permanent injuries to Plaintiff.
- 12. The incident and the injuries suffered by Plaintiff were caused solely by the negligence, carelessness, and recidessness of Defendants, Amazon and EasyAcc, jointly and/or severally.

COUNT I NEGLIGENCE JULIAN BRADLEY Y. DEFENDANTS

- 13. Plaintiff incorporates all of the proceeding paragraphs of this Complaint as set forth fully at length herein.
- 14. Defendants did manufacture, sell and/or distribute the charger in question.
- 15. At all material times, Defendants owned, manufactured, distributed, controlled and/or otherwise caused the charger to be placed into the stream of commerce.
- .16. At all material times, Defendants were responsible for manufacturing and distributing the charger in a condition suitable and safe for operation by members of the public including Plaintiff.
- 17. At all material times, the charger was unreasonably dangerous and massic for use by the average consumer as it could suddenly ignite, explode, and catch fire posing serious harm to members of the public.
- 18. Defendants knew or should have known that the charger was capable of igniting, exploding, and catching fire while being used as intended.
- 19. Upon information and belief, Defendants were aware of prior incidents involving the sudden ignition and explosion of the charger in question but continued to market and distribute the charger.
- 20. Defendants knew or should have known that the Charger sold to Plaintiff was not reasonably safe.
- 21. At all times relevant, Defendants failed to warn the public including but not limited to the dangers involved in using this charger.

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- 22. At all material times, the dangers posed to Plaintiff from the Charger were latent and unknown to him.
- 23. At all material times, the charger and its packaging did not warn that the charger could suddenly ignite, explode and otherwise catch fire.
- 24. The latent danger was created by the negligence and recklessness of Defendants.
- 25. At all material times, Defendants falled to warn consumers including Plaintiff of the daugers posed from the charger including but not limited to the fact that it could suddenly ignite, explode and catch fire while being used as intended.
- 26, Plaintiff's injuries were caused solely by the negligence and recklessness of the Defendants.
- 27. As a direct and proximate result of Defendants' negligence and recklessness, Plaintiff was caused to suffer severe and permanent injuries as described below.
- 28. Defendant's negligence consisted of but is not limited to the following:

世

- a. Failing to warn Plaintiff that the charger was defective;
- b. Failing to warn that the charger could suddenly ignite, explode and catch fire;
- c. Failing to warn that the charger's battery could suddenly ignite, explode and catch fire;
- d. Failing to warn of the latent and hidden danger created from using the charger as intended;
- e. Failing to properly redesign, remanufacture, repair and/or maintain said charger before it was sold or distributed;
- f. Permitting a defective and dangerous charger to be used by Plaintiff;
- g: Failing to eliminate, repair and maintain the aforesaid defective charger;
- h. Allowing and permitting there to exist a dangerous and defective condition after actual and/or constructive notice of said defect;

- Manufacturing, distributing and selling a charger that they knew or should have known could ignite, explode and catch fire;
- Failing to take the charger out of stream of commerce after actual and/or constructive notice of its defective condition;
- k. Failing to warn the Plaintiff and others similarly situated of the aforesaid defective and dangerous condition of the charger;
- 1. Allowing and permitting said charger to be and exist in a defective condition;
- m. Failing to maintain the charger in a good state of repair and condition before it was put in the chain of commerce;
- n. Failing to properly and adequately inspect the aforesaid defective charger so as to determine the condition thereof;
- o. Violating applicable laws, codes, and ordinances with respect to the care, maintenance, control and repair of the charger provided to Plaintiff;
- p. Negligent hiring of contractors, employees, working, and servants;
- q. Negligent training of contractors, employees, workmen, and servants;
- r. Negligent supervision of contractors, employees, workmen, and servants;
- s. Failing to properly fix the dangerous condition;
- t, Failing to remove the dangerous condition;
- u. Falling to warn of the dangerous condition;
- v. Palling to provide a safe electrical system and/or battery in the charger;
- Failing to provide proper materials and component parts when manufacturing the charger;
- x. Failing to design the aforesaid charger in a safe condition;
- y. Creating, manufacturing and distributing the charger that could suddenly ignite, explode, and carch fire while being used as intended;

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- z. Inadequate design of the charger, and
- au. Failing to exercise caution and care for the rights and safety of Plaintiff and others.

29. As a direct and proximate result of the carelessness, negligence and recklessness of Defendants, jointly, severally, and/or vicariously, Plaintiff, Julian Bradley, sustained serious and permanent bodily injuries including without limitation, injuries to his muscles, thigh, leg, hand, scars, scarring wounds, second degree deep burn on upper right thigh, burns and scars on right thigh/leg, left hand burn, swelling, redness, blisters, muscle-pain, and aggravation of pre-existing conditions if any, other ills and injuries some or all of which injuries may be permanent; Plaintiff was prevented from attending to his usual duties and activities, has and continues to suffer pain and suffering of mind and body, mental anguish and distress; in addition, he has suffered and/or will suffer lost wages, a loss of carnings and/or earning capacity and other economic losses including but not limited to outstanding medical bills and the need for future medical treatment and care all to his financial detriment.

WHEREFORE, Plaintiff Julian Bradley, hereby requests this Honorable Court to enter judgment in his favor and against Defendants, Easyaco.com, Inc. and Amazon.com, Inc. jointly and/or severally, in a sum greater than \$50,000.00 plus interest, delay damages, and costs of suit.

COUNT II STRICT LIABILITY JULIAN BRADLEY Y. DEFENDANTS

- 30. Plaintiff incorporates all of the proceeding paragraphs of this Complaint as set forth fully at length herein.
- 31. The charger was designed, manufactured, developed, distributed, assembled, produced, inspected, licensed, promoted, packaged, processed, compounded, labeled, specified or recommended, certified, marketed, sold, or otherwise supplied and placed in the stream of commerce as heretofore set forth by Defendants in a manner which was not in a good and proper workmanlike fashion, in a defective

condition unreasonably dangerous to the ultimate users, consumers, and bystanders, including Plaintiff
Julian Bradley.

- 32. The charger was expected to and did reach the ultimate users, consumers, and bystanders, including Plaintiff, Julian Bradley, without substantial change or alteration and in the same or substantially the same condition as when it was manufactured, sold, labeled, or distributed, while in or as it left the possession and control of Defendants.
- 33. The aforementioned charger was defective and unsafe when it left the control of Defendants, in that it was not safe for the reasonably foreseeable use which subjected Plaintiff, Julian Bradley, to serious injuries when the aforementioned charger was used in a reasonable and foreseeable manner.
- 34. The charger was defectively designed and/or manufactured in that it was capable of catching fire and seriously injuring consumers.
- 35. The charger posed an unreasonable danger to intended users such as Plaintiff due to its defect.
- 36. The charger was defective and unsafe because it could suddenly ignite, explode and catch fife causing severe and permanent injuries to Plaintiff.
- 37. Upon information and belief, the charger was defective and unreasonably dangerous as it did not contain all appropriate safety mechanisms and safeguards to prevent the aforesaid harm from occurring.
- 38. The charger was defectively and negligently manufactured and/or distributed by Defendants causing the product to be unreasonably dangerous and causing the aforementioned barm to occur.
- 39. The design of the charger poses unreasonable danger to the public,
- 40. Upon information and belief, the charger contained defective components and warnings causing the product to be unreasonably dangerous and causing the aforementioned harm to occur.
- 41. The charger that injured Plaintiff was in the same or substantially the same condition at the time it injured Plaintiff as compared to the time it left the control of the Defendants.
- 42. The charger was being used for its intended purpose at the time it injured Plaintiff.

- 43. Upon information and belief, at all material times hereto, the warnings if any accompanying the charger were defective and did not properly inform and warn the public as to the hidden danger created by the charger which included that the charger could suddenly ignite, explode and catch fire:
- 44. Upon information and belief, the warnings if any, contained on or with the charger, issued by Defendants did not adequately and fully inform the public on the safe use of the product including but not limited to properly use it for its intended purpose.
- 45. Defendants failed to warn concerning the hazard posed from the ordinary usage of the charger,
- 46. Due to the defective condition(s) of the product and warnings, a significant danger was permitted to exist which caused the harm suffered by Plaintiff.
- 47. At all material times, this danger was latent and unknown to Plaintiff but appreciated and known by Defendants.
- 48. As a direct and proximate result of the aforementioned unsafe and defective condition(s) of the charger, Plaintiff sustained severe and permanent injuries as previously mentioned above.
- 49. Defendants are strictly liable to the Plaintiff pursuant to 402A of the Restatement (Second) of Torts.
- 50. The aforementioned charger was not equipped with every element necessary to make it safe for reasonably foreseeable use.
- 51. Defendants are strictly liable for the injuries Plaintiff suffered as a result of his use of the defective charger, which at all pertinent times was under the exclusive control of the Defendants.
- 52. As a direct and proximate result of the aforementioned unsafe and defective condition of the Charger, Plaintiff, Julian Bradley, sustained the injuries and damages set as aforementioned.

WHEREFORE, Plaintiff, Julian Bradley, hereby requests this Honorable Court to enter judgment in his favor and against Defendants, Easyacc.com, Inc and Amazon.com, Inc, jointly and/or severally, in a sum greater than \$50,000.00 plus interest, delay damages, and costs of suit.

!

<u>Count III</u> <u>Punitive Damage</u> Julian Bradley v. Dependants.

- 53. The averments of all preceding paragraphs are incorporated by reference as though fully set forth herein.
- 54. At all material times, the production and distribution of the charger was substantially below industry standards and done with reckless disregard for the safety of the public including Julian Bradley.
- 55. Defendants knew and/or recklessly disregarded the fact that the charger Plaintiff was using was highly dangerous and could result in serious injury.
- 56. Upon information and belief, Defendants were well aware prior to Plainliff's injury that the charger could suddenly ignite, explode and catch fire.
- 57. Upon information and belief, other incidents where the charger suddenly ignited, exploded and caught fire have occurred before and after Plaintiff's incident which have caused injury or substantially endangered members of the public but Defendants recklessly, wantonly, and with great deliberate indifference to the well-being of public continued to market and sell the charges without change and without adequate warning to the public.
- 58. Defendants deliberately and/or recklessly made no effort to warn the public including Plaintiff to the known risks of the charger creating an unreasonable risk of physical harm to Plaintiff and others similarly situated.
- 59. Defendants' recklessness and reckless disregard consisted of but is not limited to the following:
 - a. Failing to warn Plaintiff that the charger was defective:
 - Selling and distributing a product known to Defendants to suddenly ignite,
 'explode and catch fire;
 - c. Concealing that the charger could suddenly ignite, explode and catch fire;
 - d. Pailing to warn of the latent and hidden danger oreated from permitting the use of the charger;

- e. Failing to properly repair and maintain said charger before it was sold/distributed;
- f. Permitting a defective and dangerous charger to be used by Plaintiff;
- .g. Failing to eliminate, repair and maintain the aforesaid defective charger;
- Marketing and selling a product known to Defendants to cause serious harm or injury;
- i. Allowing and permitting there to exist a dangerous and defective condition after actual and/or constructive notice of said defect;
- Failing to take the charger out of stream of commerce after actual and/or constructive notice of its defective condition;
- k. Failing to warn the Plaintiff and others similarly situated of the aforesaid defective and dangerous condition of the charger;
- Allowing and permitting said charger to be and exist in a defective condition;
- in. Failing to maintain the charger in a good state of repair and condition before it was put in the chain of commerce;
- n. Failing to properly and adequately inspect the aforesaid defective charger so as to determine the condition thereof;
- o. Violating applicable laws, codes, and ordinances with respect to the care, maintenance, control and repair of the charger provided to Plaintiff;
- p: Reckless hiring of contractors, employees, workmen, and servants;
- q. Reckless training of contractors, employees, workmen, and servants;
- r. Reckless supervision of contractors, employees, workmen, and servants;
- s. Failing to properly treat the dangerous condition;
- t. Failing to remove the dangerous condition;
- u. Failing to warn of the dangerous condition; and

- v. Failing to exercise caution and care for the rights and safety of Plaintiff and others.
- w. Failing to provide a safe electrical system in the charger;
- x. Failing to provide proper materials and component parts when manufacturing the charger;
- y. Failing to redesign and remanufacture the charger after knowing of the serious danger posed to consumers;
- z. Failing to design the aforesaid charger in a safe condition; and
- an. Failing to exercise caution and care for the rights and safety of Plaintiff and others.
- 60. Defendants' actions demonstrate recklessness and reckless disregard to Plaintiff's health and well being.
- 61. As a direct result of Defendants' recklessness and deliberate indifference, Plaintiff suffered injuries as pled above.
- 62. Punitive damages are appropriate against Defendants to deter further harmful inaction and/or conduct.

WHEREFORE, Plaintiff, Julian Bradley, domands Judgment in his favor and against Defendants, Basyacc.com, Inc and Amazon.com, Inc, jointly and/or severally, in an amount in excess of Fifty Thousand Dollars, (\$50,000.00) including compensatory demages, punitive damages, costs of litigation, interest, and delay damages, and all other relief deemed just and appropriate.

Respectfully Submitted,

PILL, GULATE CHANARINA

Feela R. Musitief, Esquire Attorneys for Plaintiff

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VERIFICATION

I, Julian Bradley, hereby state that I am the Plaintiff in this matter and that the averments contained in the foregoing pleading/discovery are true and correct to the best of my knowledge, information and helief, and further that this statement is made subject to the parallies of 18 Pa. C.S. §4904 relating to answorn falsification.

Julian Bradley

EXHIBIT "C"

D

Page

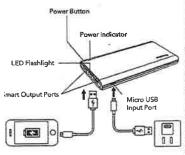
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PageID:

> Basic Information

rank you for choosing the EasyAcc Power Bank PB10000CF. ease read this manual carefully before use and keep it for ture reference.

roduct Overview



> Usage Tips

Product Features

- Arc side design to deliver a better experience on holding;
- · Smart technology to intelligently identify the connected device then output the perfect amount of power;
- . With a total output of 3,1A (max) through 2 Smart output ports, PB10000CF could charge 2 smartphones simultaneously:
- · Automatically detect the loading state for not having to press the power button separately;
- · High-precision ICs to effectively provide you and your devices ensured safety.

Package Contents

EasyAcc Power Bank [PB10000CF] Micro USB Charging Cable

Technical Specifications

| Capacity | 10000mAh/37Wh |
|--------------|-------------------------------------|
| Battery Type | Lithium-Polymer |
| Input | DC 5V 2.0A(max) |
| Output | DC 5V 3.1A(max) |
| Size | 144*75*14.8 mm / 5.67*2.95*0,58 in. |
| Weight | 226 g/7_97 oz |

> Usage Tips

Power Indicator

PB10000CF has four indicators. When the last indicator is flashing, please recharge it in time.

| Using PB10000CF to Charge Your Device | | Charging PB10000CF | | |
|--|--------------|--------------------|--------------|--|
| Indicator Stone | Supply Lovel | Indiamortimes | Battery Leve | |
| 0000 | 74%-100% | 0000 | 10 have | |
| 0000 | 312-712 | 0000 | <25% | |
| 8000 | 212-52% | 0000 | 25%-50% | |
| 0000 | CIX | 0000 | 515-75% | |
| 0000 | 473 | 9990 | 715-100% | |
| 0000 | MO Proper | 4000 | PS/03 | |

Charging PB10000CF

Please use a Micro-USB charging cable and plug into a charger with an output of DC SV 0.5A-2.4A to recharge the power bank. The power indicator will flash regularly while showing the charging status. And PS 10000CF is fully charged when all four indicators are on.

Using PB10000CF to Charge Your Devices

PS10000CF will automatically output the perfect amount of power when connecting a device via a charging/data cable. PB10000CF will automatically out off its energy output within 30 seconds if you disconnect your device(s) or your device(s) have been fully charged.

> Notes

Compatibility

Designed with Smart technology, PB 10000CF could intelligently after a quick charge for the connected device with an input of DC 5V, including Phone, iPad, Samsung smarphone, Samsung Tab, other Android/WP smartphones and tablets, MP3/MP4 players, and Bluetooth speakers/headsets, etc.

⚠ Warning

- Never keep or use PB10000CF in a hot environment;
- Never use PB10000CF in a humid environment, as that may cause it to enter Protection Mode or be damaged;
- Do not charge PB10000CF while it is in a carrying case. Heat generated during the charging process will have negative effects on its capacity;
- Do not drop, strike, throw, trample, or impale PB10000CF;
- Nonprofessional repair and disassembly will cause damage to PB10000CF; it should be repaired only by a professional engineer:
- Please take away PB10000CF from children as it is not a toy. And assure to read the manual carefully before use.

EasyAcc* offers a 12-month warranty effective from the date of purchase. Any damage or malfunction resulting from improper use or unauthorized disassembly or repair will not be covered by our warranty. We also take no responsibility

Notes

for products purchased from unauthorized retailers. For detailed information, please contact our customer sense.

Contact Us ..

If you have any questions or comments, please contactions supportiPeasyacc.com. You can also visit our website. www.EasyAcc.com, and our Facebook page. www.facebook.com/EasyAcc.official, for more information

Manufacture: SHENZHEN DBK ELECTRONICS CO.,LTD

model: rB10000CF Contact: Jason Xie Address: 1st-5th Roor Building 1, Jinyuan company Longhua Industrial Park the north of leases as Pull Company Longhua Industrial Park, the north of longguan Pd Huslan Community, Long hus Town, 518109 Baoan District ShenZhan, Guangdong, Office Tel: +49 175 4161168

Email: Support@easyacc.com



Hereby, EssyAcc declares that this Power Bank PB100000F is in compliance with the essential requirements and other relevant provisions of Directive 2004/108/EC.

The Certificate of Conformity and the Declaration of Conformity for this product can be found on the link being and be downloaded.

EXHIBIT "D"



HOME - BUSINESS - MEDIA - FINANCE - GEOGRAPHIC - DEMOGRAPHIC - TECHNOLOGY - SPORTS -

ACMERITACINESS.

Number Recalled Past 12

Months

276

231

181

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Product Recall Statistics

Number of Recalls by Product Category

Share This Data

Strangulation

Entrapment

Burn (Non-Fire Related)

Home Products 1,541 Child Products (not including toys) 1,267 889 Sports and Recreation Products 846 Ouldoor Products 509 Specialty Products 43 Number of Product Recalls By Hazard Fire and Fire-Related Burns 1,562 Choking 837 Laceration 503 Fall Hazard 489 Electrocution / Electric Shock 392 Vehicle Accident 361 Lead 343

☑ INTERESTING CATEGO-RIES

NUMBER OF A list of categories that will answer that burning question you have as to the number of something View Here

ACTORS SALARIES Ever wonder how much a certain actor gol paid for a film? View Here

DISEASES Looking to study up on the most common / uncommon diseases View Here



Product Recall Statistics Statistic Brain Document 1-1 Filed 08/23/17 Page 24 of 65 Page Document 4

| Explosion / Projectiles | 170 | |
|-------------------------|-----|--|
| Suffocation | 151 | MI TRENDING STATISTICS |
| Suitocation | 101 | Allergy Statistics |
| Collapse | 140 | Toy Industry Market Statistics |
| Polsoning | 119 | Top Reasons Software Development |
| Internal Injury | 102 | Projects Fall |
| Amputation | 56 | App Development Statistics |
| Carbon Monoxide (CO) | 54 | VR Virtual Reality Technology Statistics |
| Drowning | 52 | Domestic Violence / Abuse Statistics |
| Entanglement | 31 | |
| Aspiration | 23 | |
| Magnet Ingestion | 21 | |
| Cadmium | 6 | |
| Communications Failure | 4 | |
| | | |

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| Number of Product Recalls by Country of Origin | |
|--|-------|
| China | 2,124 |
| United States | 685 |
| Taiwan | 299 |
| Mexico | 106 |
| Hong Kong | 91 |
| Canada | 74 |
| Japan | 70 |
| Thailand | 84 |
| India | 61 |
| Когеа | 57 |
| Italy | 54 |
| Vietnam | 53 |
| Indonesia | 42 |
| Germany | 30 |
| Pekistan | 26 |
| Philippines | 24 |
| Malaysia | 23 |
| France | 21 |
| Bangledesh | 16 |
| Sweden | 14 |
| Spain | 13 |
| Switzerland | 10 |
| Brazil | 10 |

Product Recall Statistics Statistic Brain Case 1:17-cv-06357-RBK-KMW Document 1-1 Filed 08/23/17 Page 25 of 65 Page 10: 43

| United Kingdom | 10 |
|-----------------------------------|-----|
| Peru | 9 |
| Sri Lanka | 8 |
| Austria | 8 |
| Turkey | 7 |
| Finland | 7 |
| Singapore | 6 |
| Portugal | 6 |
| Poland | 6 |
| Romania | 6 |
| Other | 91 |
| Number of Recalls by Select Items | |
| Baby Cribs | 107 |
| Puzzles | 19 |
| Toys for Bathlub | 12 |
| Toy Guns | 9 |
| Sunglasses | 7 |
| Pillows | 5 |
| Musical Instruments | 5 |
| Food Blenders | 5 |
| Toolhbrushes | 3 |
| Blankets | 2 |
| | |

O PREV DATA SET

NEXT DATA SET O

Statistic Sources & References

Sources: US Consumer Product Safety Commission

Content Author: Statistic Brain

Date research was conducted: March 29, 2017

Product Recall Statistics

Marketing

ADVERTISEMENT



Related Statistic Brain Research

Product Recall Statistics Statistic Brain Case 1:17-cv-06357-RBK-KMW Document 1-1 Filed 08/23/17 Page 26 of 65 Page 10:44 4





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2017 Statistic Brain Research Institute

EXHIBIT "E"





Q

Why Power Banks Explode?

By Chocolate / August 17, 2016

7

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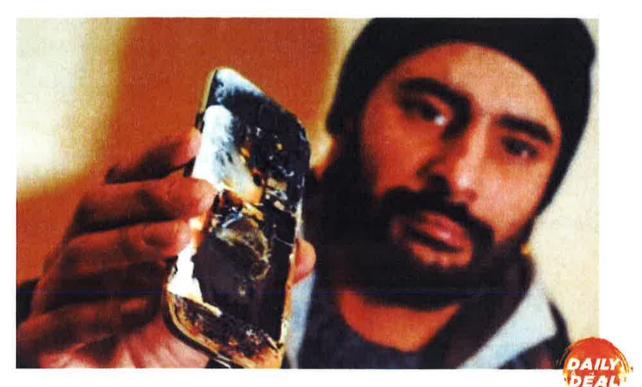


Just over the past few days, you may saw the news of a power bank exploded on the body of its user. It's happened while the man was charging his phone with the power bank in his pocket. You may fell shocked about the sudden explode brought by power banks, so why power banks explode?

Generally speaking, power bank would not explode in normal. But when it is exposure to the high temperature or wrong circuit, it may cause an explosion

Today, I hereby present the reasons of why power banks explode

1: Low Battery Quality



Power bank's batteries are not only the most expensive part but also the major component. Most of the Power banks you see on the market from Lithium-ion or Lithium-Polymer batteries

However, many small brands use counterfeit/recycled batteries in their power banks or use the Lithium- ion batteries. While this enables them to supply power banks at a very low price, which carry severe safety risk

2: Wrong Circuit



Also, the internal circuit design of a power bank is another cause of the explosion So, for a power bank, what circuit design should be contained?

Power Protection: Power Protection is necessary for a well-made power bank. It will ensure your battery stops charging while the power bank reached the full capacity.

Short Circuit Control System: A good power bank should have its circuit fully insulated to prevent short circuit

Temperature Control System: if a power bank has a kind of control such that once it hits a particular temperature, it shuts down to cool off. That would be a qualified and ideal one



Think about it, how do you handle your power banks in normal? Exposing it to high temperatures? Overcharging it? Or leaving it near heated area?

It will kill the power bank and you

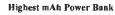
Now, you know the likely the several causes of a power bank explosion Be away of the bad using habits, and be careful of the cheap power banks also do not use it in your pockets. Cheers!

Tags: Power Bank



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Best USB-C Portable Charger



Givenway: Power Love on Father's Day

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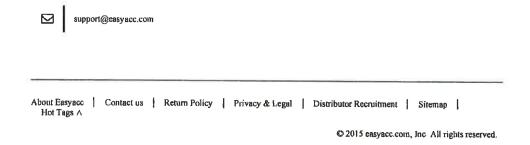




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Q

GIVEAWAY — EasyAcc kills your fear of Power Bank Explosion

By Shirley / September 28, 2016

48

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As the latest iteration product of Samsung, more than 35 reported Galaxy Note 7 battery explosion cases happened within such a short period after the launch date, and the recall is happening during their initial rollout phase. This is a serious and heartbreaking news for the Samsung users. It has been confirmed that the problem comes with the battery. The quality and protective mechanism of battery plays a key role to keep us safe. As one of the most commonly used external battery pack, the safety of power bank basically relies on the battery cell inside as well.



In 2014 electronics retailer Challenger recalled 12,000 units of portable power banks due to a problem of overheating that could lead to a fire or explosion, which caused a sharp sales fall of power banks. After watching so many horrible explosion pictures and hearing much negative news, you might be curious about what triggered power banks explosion indeed. What does the protective mechanism look like and how to prevent power banks from exploding?

The video below might have answered the questions

GIVEAWAY — EasyAcc kills your fear of Power Bank Explosion — EasyAcc Media C. Page 2 of 29 Case 1:17-cv-06357-RBK-KMW Document 1-1 Filed 08/23/17 Page 38 of 65 Page D. 36



Generally speaking, the forbidden operations include: leave your power bank in a car under sunlight, throw or squeeze your power bank, disassemble power bank without solid professional background.

Why power banks (Li-ion power banks specifically) would explode when you did the operations above?

Practically everyone knows overcharging, overheating, overpressure will trigger power bank explosion, and the reaction working mechanism has been well demonstrated in the video above. Apart from that, some unexpected internal changes might release abundant heat, not to mention the energy powered by throwing, squeezing and other inappropriate operations, all of them are the triggers to explosive reaction

The explosion risk of low cost power banks is much higher. Branded power banks are generally guaranteed with good material and higher easier to form a battery short circuit in a low cost power bank when it drops or being squeezed, more chances are the protective mechanisms printed circuit board would not work at all

As a high-quality power bank brand, EasyAcc always spares no effort to improve the products and kill your fear of power bank explosion. EasyAcc power banks are equipped with efficient protective load to prevent your devices from overcharging, over-current and short-circuits.

Moreover, don't miss the chance to win an EasyAcc 20000mAh Power Bank for free!

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Giveaway -- EasyAcc kills your fear of Power Bank Explosion



Tags: EasyAcc Power Bank What Is Power Bank? Tech Tips



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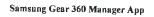














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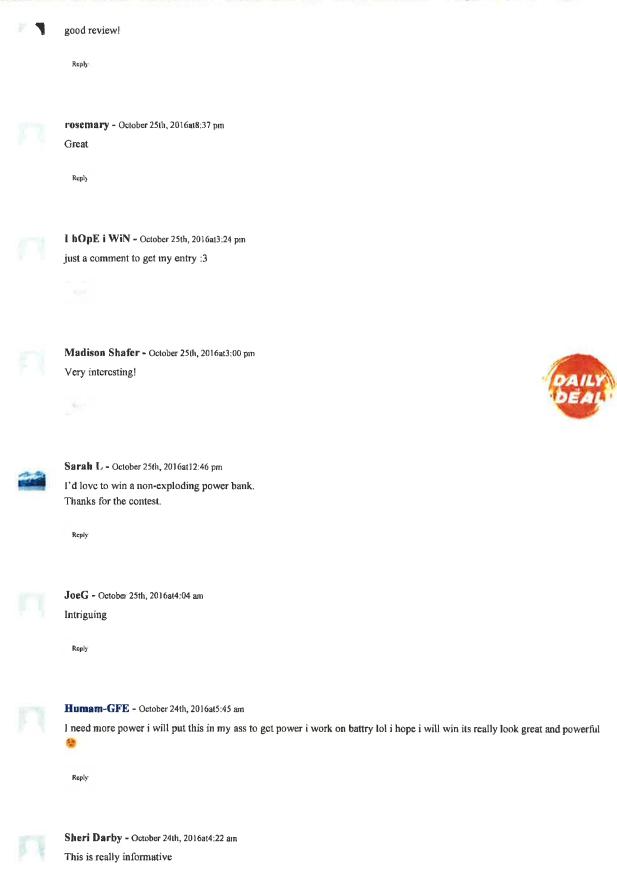
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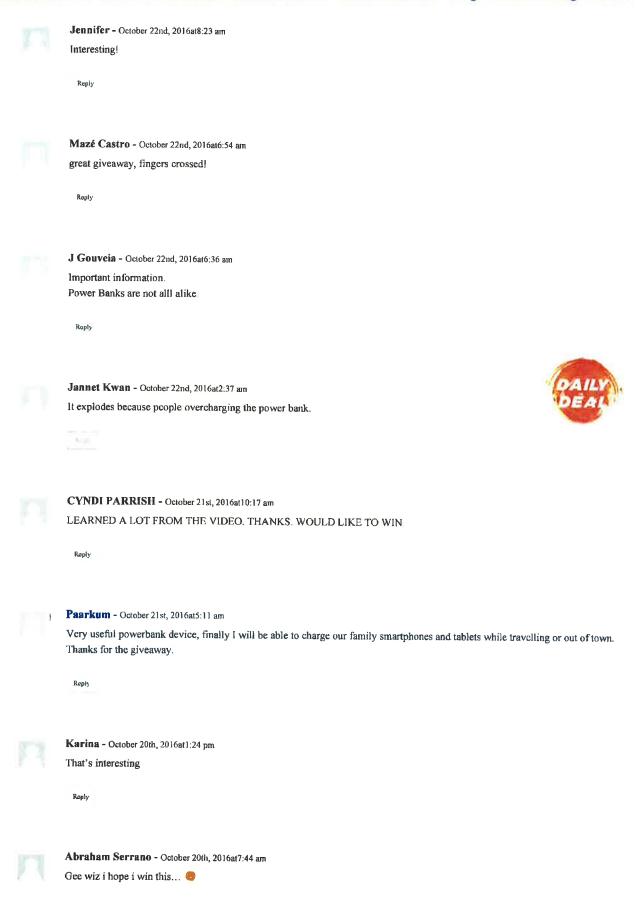
| Victoria Thurgood - October 27th, 2016at8:10 am this would be helpful Reply |
|--|
| Laura Corrall - October 27th, 2016at3:42 am it's very interesting. I have a cheap power bank and I'm always just throwing it in my handbag and then often forgetting about it and possibly overcharging it. Certainly will be careful now. Reply |
| Rohan Kuche - October 26th, 2016at6:34 pm NIce reviewloved it Reply |
| Davor - October 26th, 2016at10:04 am People takes technology for granted! Reply |
| Allaine Campbell - October 26th, 2016at7:27 am this is just amazing Reply |
| Brandon Sparks - October 26th, 2016at7:07 am Now this is something that I could really use. Thanks so much for this chance. Reply |
| Corey Olomon - October 26th, 2016at6:56 am Really good info to know. Reply |
| solozzo - October 26th, 2016at6;51 am |



Reply

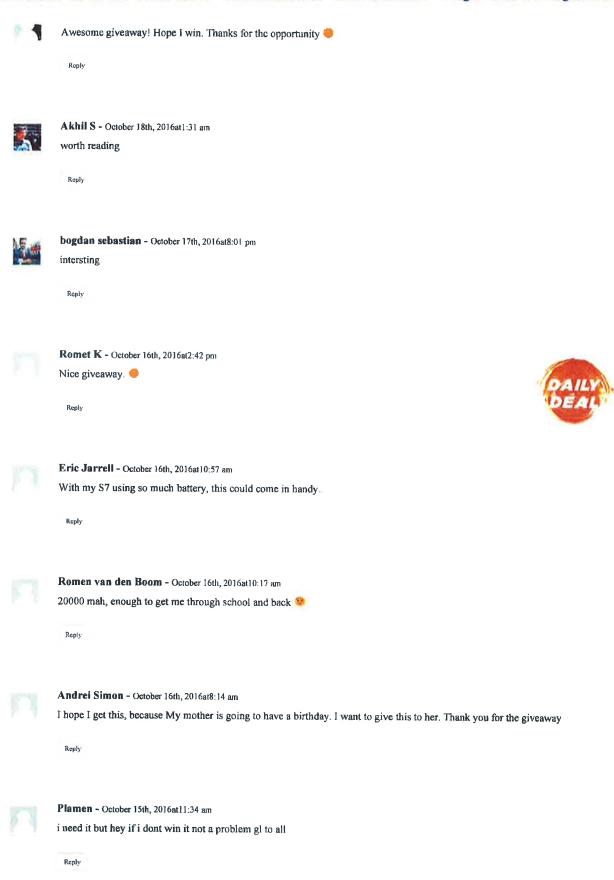
SAI MADHAV YV - October 23rd, 2016at8:57 pm The video is informative and the giveaway is hot, in a positive way Reply Nito - October 23rd, 2016at3:47 pm awesome if i could win 4 Reply Katrina brown - October 23rd, 2016at2:19 am Cool Reply Katrina brown - October 23rd, 2016at2:16 am Amazing Reply Kathy Scott - October 23rd, 2016at1:30 am overheating and improper storage Reply Demian Szmulewicz - October 23rd, 2016at12:58 am Great! love this gadget Reply Marsha McVey - October 22nd, 2016at2:38 pm overcharging and high current flow are the triggers that cause the power bank to explode and just don't leave those puppies in the hot car. really good to know!!!!

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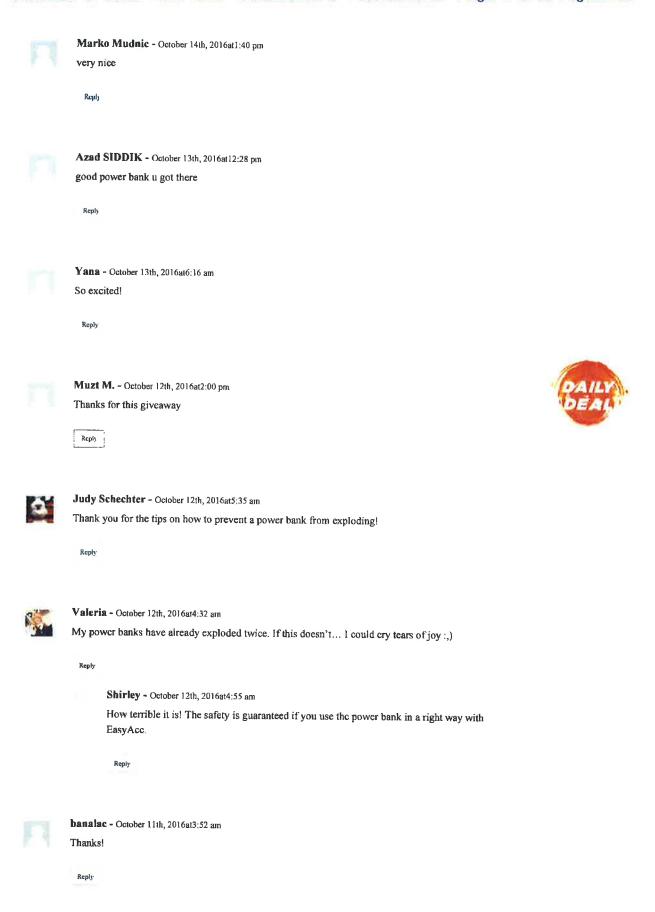


Reply Donovan Kiser - October 20th, 2016at2:55 am DON'T THROW THESE THINGS AROUND. KABOOM! Reply Pavel - October 19th, 2016at10:08 pm Thank you! Reply Kristen Schwarz - October 19th, 2016at11:06 am Very scary. You don't think about things like that. Now I know what not to do. Reply deen - October 19th, 2016at4:18 am i hope i will win Reply Gloria Tiner - October 18th, 2016at9:17 am VERY IMFORMATIVE VIDEO Reply Wachira Theravuthi - October 18th, 2016at9:15 am Very nice. I hope I win that thing Rhiza A - October 18th, 2016at8:36 am Would love to have this. Reply Emma - October 18th, 2016at5:49 am

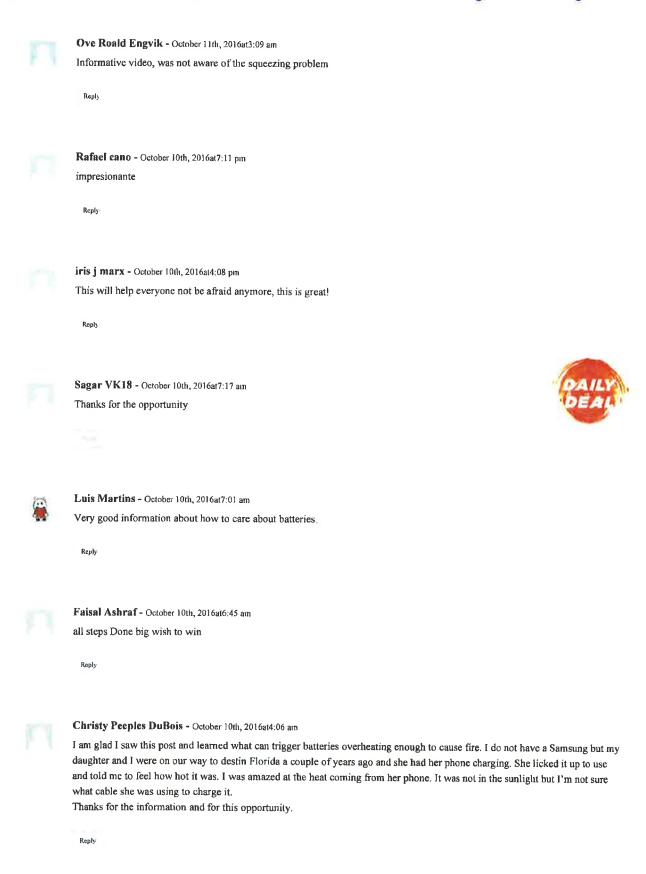
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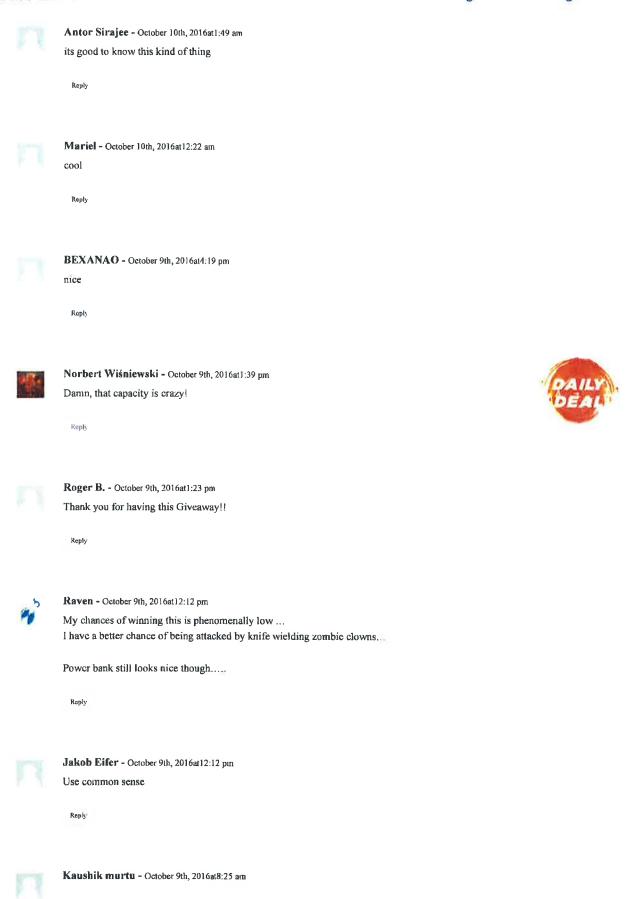
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I hope I win easyacc powerbank Reply **OPapa** - October 9th, 2016at8:06 am Really good advice. Reply Maribel - October 9th, 2016at5:31 am Good to know Jim Bryant - October 9th, 2016at1:10 ann Good advice. A replacement Samsung phone the other day caught fire on a Southwest Airlines plane. Buried in the article was the his back pocket. I bet five dollars he sat on it. Reply Shirley - October 9th, 2016at1:49 am I bet five dollars he would never buy Samsung anymore. Reply kw - October 8th, 2016at4:02 pm Good to know, thanks. Reply Gord - October 8th, 2016at10:35 am I will stick with power banks from Easyace! Reply mike - October 8th, 2016at10:32 am this is some very good information on this product, its good there's an alternative to charging mobile phones

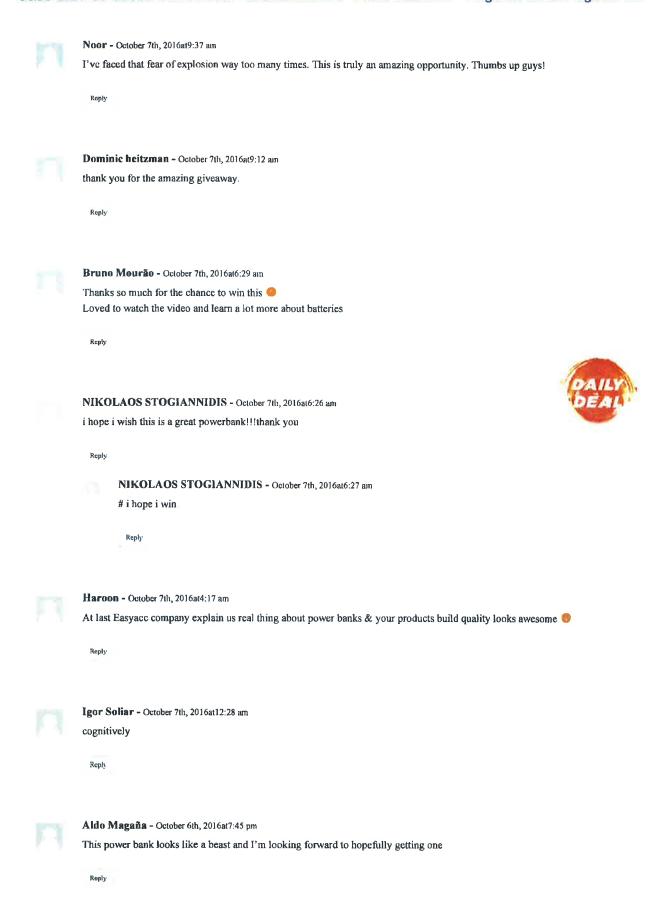
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Reply Marno Jacobs - October 8th, 2016at10:13 am Awesome Reply Harfi - October 8th, 2016at10:10 am Greatt! Rui - October 8th, 2016at8:45 am Didn't realized the importance of taking good care of a power bank. Reply dorofte elisabet - October 8th, 2016at5:31 am very useful information. Reply aric - October 8th, 2016at3:18 am Nice review, thank Rooly Judy Thomas - October 8th, 2016at3:01 am That is pretty scary Reply yugal koyee rai - October 8th, 2016at2:48 am this is great. Reply Patrick Loo - October 8th, 2016at1:43 am

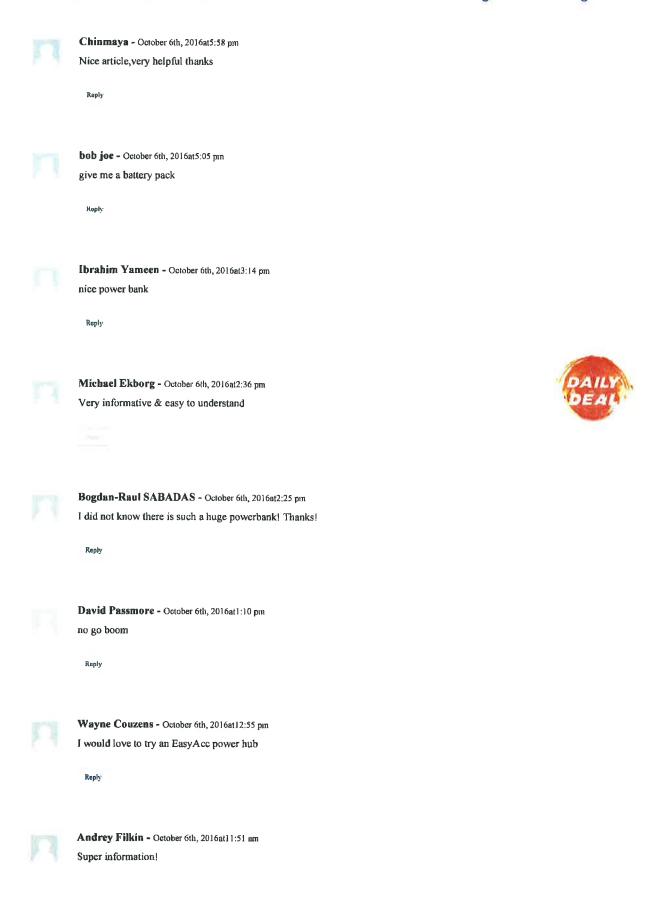
GIVEAWAY — Easy Acc kills your fear of Power Bank Explosion 71 Easy Acc Medias Page 55 Page 56 9629

| 7 | Thanks for an awesome introduction and very useful information. | |
|---|--|--------|
| | Reply | |
| | | |
| | jhilg - October 7th, 2016at10:26 pm | |
| | thanks 4 entry | |
| | Reply | |
| | | |
| | Bintou Jabbi - October 7th, 2016at6:57 pm | |
| | This is awesome and informative | |
| | | |
| | | |
| | Alexey - October 7th, 2016at3:59 pm Good Power Bank | |
| | | DAILY. |
| | Reply | |
| | | |
| | Sergei Zorin - October 7th, 2016at3:42 pm It looks awful | |
| | Reply- | |
| | | |
| | Marco Corvino - October 7th, 2016at3:26 pm | |
| | Hope to win I need a powerbank! | |
| | Reply | |
| | | |
| | Akshay - October 7th, 2016at12:58 pm | |
| | Waw. Good giveaway! | |
| | Raply | |
| | | |
| П | Mikhail Azarov - October 7th, 2016at12:02 pm Thanks for the information and the giveaway. | |
| | Reply | |
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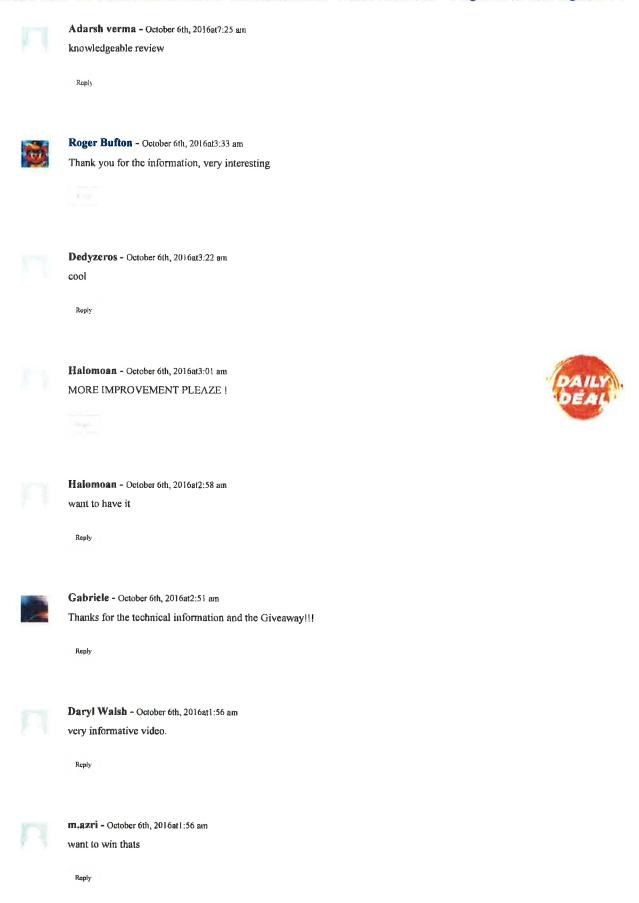


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Roply Ty Johnson - October 6th, 2016at11:37 am this is awesome! Reply Steven Ho - October 6th, 2016at11:35 am Hope I win, good Luck to everyone else! 🧐 Roply Salvatore - October 6th, 2016at11;28 am Really nice and interesting video "why power banks explode" Roply Isaac - October 6th, 2016at9:43 am Kwel! Reply Alys James - October 6th, 2016at8:52 am Great giveaway. Reply Shubham Gawande - October 6th, 2016at8:26 am Hope I win I really need a power bank to power my laptop for work! Reply Rohit Divakaran - October 6th, 2016at7:38 am Thanks for providing this info EasyAcc. Was always worried since i heard of note 7 battery issue. Your product 20000mAh EasyAcc Monster seems like a life saver 🤒 Reply

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| | Dan Ababei - October 5th, 2016at10:33 pm I want this! |
|---|---|
| | Roply |
| | rahul r - October 5th, 2016at9:48 pm awesome!!! Roply |
| | Marcus - October 5th, 2016at8:56 pm Good info! Reply |
| | Helen L - October 5th, 2016at8:43 pm Great looking powerbank! Reply |
| | Muhammad Umar - October 5th, 2016at8:06 pm good stuff. Reply |
| | Valentin Dan - October 5th, 2016at7:50 pm Interesting. Thank you for sharing with us. There are a lot more good articles in this site. Reply |
| П | Kevan Clery - October 5th, 2016at7:39 pm very informaative! Reply |
| П | fernando - October 5th, 2016at7:21 pm awesome i need this |

Reply Xinxy Xiong - October 5th, 2016at7:12 pm I found the video really useful and informational! I'll keep these things in mind next time Reply Gabriel Ripoll - October 5th, 2016at4:37 pm Nice givcaway, thanks! Reply Socras - October 5th, 2016at4:36 pin Safety first ty Reply Richard Green - October 5th, 2016at4:19 pm need one of these for gadgets on holiday Reply David - October 5th, 2016at11:16 am I'll be sure to remember to handle my powerbanks properly in the future. Thanks for the great video. Reply Betsy Pauzauskie - October 4th, 2016at10:34 pm Thank you for your video about why power banks explode. I'll be a better consumer AND now have greater safety knowledge. Reply Abderrahmane - October 4th, 2016at10:23 pm thanks for this giveaway!! Reply Alison Cheng - October 4th, 2016at8:53 pm

| Phil Isabella - October 4th, 2016at2:37 pm This was great info. Reply Horace - October 4th, 2016at12:12 pm Very interesting and informative. Thank you. Reply Irene Meage - October 3rd, 2016at10:25 pm I imagine any power bank could explode if treated carelessly, but the EasyAcc appears to be the safest of the lot. B NOTHING BEATS BEING CAREFUL. Reply Calvin - October 3rd, 2016at7:48 pm Going to enter on this contest. Thanks for the info Reply Wanda Bee - October 3rd, 2016at7:17 pm This is very interesting information. I had no idea. Reply |
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| Horace - October 4th, 2016at12:12 pm Very interesting and informative. Thank you. Raply Irene Menge - October 3rd, 2016at10:25 pm I imagine any power bank could explode if treated carelessly, but the EasyAce appears to be the safest of the lot. J. Poply Calvin - October 3rd, 2016at7:48 pm Going to enter on this contest. Thanks for the info Raply Wanda Bee - October 3rd, 2016at7:17 pm This is very interesting information. I had no idea. |
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| NOTHING BEATS BEING CAREFUL. Reply Calvin - October 3rd, 2016at7:48 pm Going to enter on this contest. Thanks for the info. Reply Wanda Bee - October 3rd, 2016at7:17 pm This is very interesting information. I had no idea. |
| Calvin - October 3rd, 2016at7:48 pm Going to enter on this contest. Thanks for the info Reply Wanda Bee - October 3rd, 2016at7:17 pm This is very interesting information. I had no idea. |
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| Wanda Bee - October 3rd, 2016at7:17 pm This is very interesting information. I had no idea. |
| Wanda Bee - October 3rd, 2016at7:17 pm This is very interesting information. I had no idea. |
| This is very interesting information. I had no idea. |
| This is very interesting information. I had no idea. |
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| Reply |
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| |
| Maureen Stein - October 3rd, 2016a(7:13 pm WOW. Did not know this. |
| WOW. Did not know this. |
| Reply |
| |
| ryan frohlich - October 3rd, 2016at7:13 pm Great informational, thank you for giving me the chance to win a power bank that will not explode on me. |
| Roply |

| | Margaret King - October 3rd, 2016at6:58 pm Awesome Giveaway Love the size of the power bank. |
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| | Reply |
| | David Heath - October 3rd, 2016at6:44 pm this is so cool Raphy |
| | Debbie Parro - October 3rd, 2016at5:57 pm The information I learned on watching the video and reading the article where interesting. Roply |
| | John Kramps - October 3rd, 2016at2:59 pm Thanks for the contest! Reply |
| | Raymond Stone - October 3rd, 2016at10:29 am In it to WIN it! Thank You!!! Reply |
| | Leo Ching - October 3rd, 2016at10:07 am Great giveaway Reply |
| | David - October 3rd, 2016at9:55 am Great Giveaway! Thanks!! Reply |
| П | Theresa C October 3rd, 2016at5:51 am Thanks for the wonderful safety warning and great giveaway! |

Reply

Tiago Manuel da Rocha Martins - October 3rd, 2016at2:51 am Cool Giveaway Reply Andreas Theodoulou - October 3rd, 2016at1:31 am bad usage or improper care, high storage temperatures, bad cell battery quality thats why they explode. This monster would come in very usefull especially at work or on the road while travelling Reply Anthony Harrington - October 2nd, 2016at3:58 pm had no idea! thanks for the info Roply Christina G. - October 2nd, 2016at1:51 pm Power banks can explode due to poor battery quality, bad circuit design, and/or improper usage. Thanks for the giveaway! Reply William Taylor - October 2nd, 2016at8:48 am Excellent give away. Reply Emily Hallett - October 2nd, 2016at8:15 am Thanks for the competition and the very useful information!! Reply Reginald S - October 2nd, 2016at7:03 am This power bank would alleviate any fears of explosion. Reply

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