

LAW OFFICE OF FRANCIS J. FLYNN, JR.  
Francis J. "Casey" Flynn, Jr.  
422 South Curson Avenue  
Los Angeles, California 90036-3169  
T: 314-662-2836  
F: 1-855-710-7706  
E: casey@lawofficeflynn.com

*Attorneys for Plaintiffs and the Proposed Class*

**UNITED STATES OF AMERICA  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

JEREMIAH DELGADO, individually  
and on behalf of all others similarly  
situated

Plaintiff(s),

v.

AMAZON.COM, INC.

Defendant.

Case No.:

**CLASS ACTION**

**CLASS ACTION COMPLAINT  
FOR:**

- (1) BREACH OF EXPRESS WARRANTY UNDER THE MAGNUSON MOSS WARRANTY ACT**
- (2) VIOLATION OF THE CALIFORNIA UNFAIR COMPETITION LAW CALIFORNIA BUSINESS & PROFESSIONS CODE § 17200, ET SEQ.**
- (3) VIOLATION OF THE CALIFORNIA CONSUMER LEGAL REMEDIES ACT, CALIFORNIA CIVIL CODE § 1750, ET SEQ.**
- (4) VIOLATION OF THE CALIFORNIA FALSE AND MISLEADING ADVERTISING IN VIOLATION OF BUSINESS & PROFESSIONS CODE § 17500, ET SEQ.**

**JURY TRIAL DEMANDED**

1 COMES NOW Plaintiff Jeremiah Delgado (hereinafter “Plaintiff”),  
2 individually and on behalf of all others similarly situated, by and through  
3 undersigned counsel, and hereby bring Plaintiff’s Class Action Complaint against  
4 Amazon.com, Inc., (hereinafter referred to as “Defendant” or “Amazon”, alleging,  
5 upon personal knowledge as to Plaintiff’s individual actions and upon information  
6 and belief and/or counsel’s investigations as to all other matters, the following:  
7

8  
9 **STATEMENT OF JURISDICTION & VENUE**

10 1. This Court has subject matter jurisdiction over this action pursuant to  
11 28 U.S.C. §§ 1332(d)(2) and (6), because (a) the aggregated claims of the putative  
12 members of each of the Classes exceed \$5 million, exclusive of interest and costs;  
13 (b) there are at least 100 members in each Class; and (c) at least one of the members  
14 of each of the proposed Classes is a citizen of a different state than Defendant.  
15

16 2. This Court has personal jurisdiction over Defendant because  
17 Defendant, directly or through an agent, has transacted business and engaged in  
18 tortious and fraudulent conduct, by affirmative acts or omissions, in the State of  
19 California such that it reasonably anticipated being subject to personal jurisdiction  
20 before the courts of this State. Defendant’s agents have advertised, marketed,  
21 and/or sold USB Flash Drives in California, including in this District. Defendant  
22 has sufficient minimum contacts with this State, and/or sufficiently availed itself to  
23 the markets of this State through its advertising, marketing, and sale within this  
24 State to render the exercise of jurisdiction by this Court permissible. Further, this  
25  
26  
27  
28

1 Court has personal jurisdiction over Defendant because its Internet websites allow  
2 consumers to order and ship products anywhere in the United States, including this  
3 District. Defendant conducts business throughout the United States, including this  
4 District.  
5 District.

6 3. Venue properly lies in this district pursuant to 28 U.S.C. § 1391  
7 because Plaintiff resides in and Defendant has transacted substantial business within  
8 this District within the meaning of 28 U.S.C. § 1391, and because a substantial part  
9 of the events giving rise to the claims alleged herein occurred in this District. Venue  
10 is also proper pursuant to 1781(d) because this Action being filed in the District  
11 Court located in the county where the transaction or any substantial portion thereof  
12 occurred. *See, Exhibit A*, Venue Affidavit of Jeremiah Delgado.  
13  
14

15 **I. INTRODUCTION**  
16

17 4. This case challenges Defendant’s practice of selling counterfeit  
18 glucosamine sulfate supplements. Simply stated, these products are marketed as  
19 glucosamine sulfate when, as a matter of fact, no glucosamine sulfate is found in  
20 the products.  
21

22 5. Plaintiff brings this class action on behalf of himself and all purchasers  
23 in California against Defendant of any products sold and/or supplied by Defendant  
24 that represent on their labeling that they contain Glucosamine Sulfate  
25 (“Glucosamine Sulfate Products”), for breach of express warranty, violations of the  
26 California Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code §§ 17200, *et*  
27  
28

1 *seq.*; violations of the California Consumers Legal Remedies Act (“CLRA”), Cal.  
2 Civ. Code §§ 1750, *et seq.*; and violations of the California False Advertising Law  
3 (“FAL”), Cal. Bus. & Prof. Code §§ 17500, *et seq.* regarding its unfair, unlawful,  
4 unethical fraudulent, misleading, unconscionable, and/or deceptive sales and/or  
5 marketing of its Glucosamine Sulfate containing Supplements (“Glucosamine  
6 Sulfate Products”) (the “California Class”). Plaintiff also brings this class action on  
7  
8 behalf of himself and all purchasers nationwide of Defendant’s Glucosamine  
9 Sulfate Products for breach of warranty and unjust enrichment.  
10

11         6. The dietary supplement market in this country is massive, with  
12 consumers spending billions of dollars every year on these products. Glucosamine  
13 is one of the most commonly purchased dietary supplements, with annual revenue  
14 in the hundreds of millions of dollars.  
15

16         7. Glucosamine typically comes in two formulations: glucosamine  
17 sulfate (“Glucosamine Sulfate”) and glucosamine hydrochloride (“Glucosamine  
18 Hydrochloride”).  
19

20         8. Glucosamine Sulfate is clinically preferred and is believed to be more  
21 effective, and, accordingly, consumers typically choose Glucosamine Sulfate. It  
22 therefore sells for more than other glucosamine products.  
23

24         9. Simply stated, Amazon is selling dietary supplements that are not what  
25 they claim to be.  
26

27 **II. PARTIES**  
28

1           **A. Plaintiff**

2           10. Plaintiff Jeremiah Delgado (“Plaintiff”) is a citizen of the state of  
3 California, residing in Orange County, California. Plaintiff purchased a bottle of  
4 Solimo Glucosamine Sulfate 2KCl 1000mg, a dietary supplement manufactured,  
5 marketed, and/or sold by Defendant.  
6



15           11. Plaintiff purchased the dietary supplement “Glucosamine Sulfate 2KCl  
16 1000 mg”. The product is marketed as “Glucosamine Sulfate 2KCl 1000 mg”.  
17 Defendant represents in writing that each two-capsule serving contains 1000mg of  
18 Glucosamine Sulfate. However, laboratory testing confirms that the product  
19 Plaintiff purchased does not, in fact, contain any Glucosamine Sulfate.  
20  
21

22           **B. Defendant**

23           12. Defendant Amazon.com, Inc. is incorporated in the State of Delaware  
24 and has its principal place of business in the State of Washington. Defendant  
25 manufactures, markets and sells various Solimo and 365 Everyday Value dietary  
26 supplements to consumers nationwide.  
27  
28

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.