

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA**

RASHAD GREENE and JASMINE GREENE,
Individually, and as Guardians of his minor
child, R.G.,

Plaintiff,

Case No. _____

v.

PELOTON INTERACTIVE, INC., a
Delaware Corporation,

Defendant.

_____ /

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, RASHAD GREENE and JASMINE GREENE, Individually and as Guardians of their minor child, R.G., brings this action against Defendant, PELOTON INTERACTIVE, INC. (hereinafter “PELOTON”), and alleges as follows:

INTRODUCTION

1. This action is brought on behalf of Plaintiffs, RASHAD GREENE and JASMINE GREENE individually, and as legal guardians of their minor child, R.G. against Defendant, Peloton, for violations of applicable consumer protection laws, unfair business practice laws and breaches of warranties in connection with the manufacture, marketing, sale, and failure to honor warranties of Peloton’s “Tread” and “Tread+” (formerly known as the “Tread”) treadmills (hereinafter referred to as “Tread”).

2. The Peloton Tread machine—manufactured and sold by Peloton—retails for \$2,495. But consumers do not just pay the purchase price. Owners of these devices must pay subscription fees on top of the purchase price in order to have full use of the machine.

3. Peloton’s website boasts that its Tread machines have a “well-constructed” belt designed to avoid “stretching and slipping,” thereby preventing injury to the user.¹ Many loyal Peloton consumers, like Plaintiff, once agreed. But a recent chain of events confirms that, while the Tread belt design may prevent injury to the user of the treadmill, it creates an unreasonable risk of danger to children (and pets) who may be near the Tread.

4. Defendant further markets its treadmills as appropriate for family use by creating and displaying advertisements of a mother and child working out next to a Peloton Tread+ together. These advertisements, however, are misleading given that the unforgiving design of the Tread and Tread+ present a uniquely dangerous threat to children—namely, because the design is extremely susceptible to children (and pets) getting trapped underneath the machine while operating, leading to injuries that range from bruising and abrasion, to broken bones, to permanent brain injury, and even death.

5. On April 17, 2021, after receiving many complaints and becoming the subject of an investigation by the Consumer Product Safety Commission (“CPSC”), the CPSC issued a direct warning to consumers: “Stop using the Peloton Tread+ if there are small children or pets at home.”² According to the CPSC, there is no safe and practical way to have this device in a home where there are children. Despite being informed of these incidents, Peloton initially rejected the CPSC’s warning, maintaining the machine is perfectly safe, in defiance of the clear evidence that demonstrating the unreasonable dangers the treadmills present to small children and pets.

¹ <https://www.onepeloton.com/tread-plus> (last visited Apr. 22, 2021).

² *CPSC Warns Consumers: Stop Using the Peloton Tread+*, CONSUMER PROD. SAFETY COMM’N (Apr. 17, 2021), <https://www.cpsc.gov/Newsroom/News-Releases/2021/CPSC-Warns-Consumers-Stop-Using-the-Peloton-Tread+>.

6. On May 5, 2021, the CPSC and Peloton announced the Recall of the Tread and Tread+ treadmills.³ Under the “Incidents/Injuries” section, Peloton reports that in addition to the death of a 6-year-old child, “Peloton has received 72 reports of adult users, children, pets, and/or objects being pulled under the rear of the treadmill, including 29 reports of injuries to children such as second- and third-degree abrasions, broken bones, and lacerations.”⁴

7. Unfortunately, Plaintiffs’ minor child, R.G., was harmed by Peloton’s Tread machine in the very same way that the CPSC warned. Plaintiffs’ six-year-old son was dragged underneath the treadmill and suffered burns to his shoulder and face. Plaintiffs bring this lawsuit to redress the injuries sustained by their six-year-old son.

PARTIES, JURISDICTION, AND VENUE

8. Plaintiffs, RASHAD GREENE and JASMINE GREENE, are citizens of Tallahassee, Florida. Plaintiffs purchased the Peloton Tread in the Summer of 2020. At all relevant times, Plaintiffs were unaware of the dangerous characteristics of this product. Had Plaintiffs known the true dangers that could result from purchase and use of the Peloton Tread, Plaintiffs would not have purchased it.

9. Defendant, PELOTON INTERACTIVE, INC., is, upon information and belief, a corporation organized and existing under the laws of the State of Delaware and having its principal place of business at 125 West 25th Street, New York, NY 10001. At all relevant times, PELOTON was, and is, in the business of designing, creating, manufacturing, assembling, testing, labeling,

³ *CPSC and Peloton Announce: Recall of Tread+ Treadmills After One Child Death and 70 Incidents; Recall of Tread Treadmills Due to Risk of Injury*, CONSUMER PROD. SAFETY COMM’N (May 5, 2021), <https://www.cpsc.gov/Newsroom/News-Releases/2021/CPSC-and-Peloton-Announce-Recall-of-Tread-Plus-Treadmills-After-One-Child-Death-and-70-Incidents-Recall-of-Tread-Treadmills-Due-to-Risk-of-Injury#>.

⁴ *Peloton Recalls Tread+ Treadmills After One Child Died and More Than 70 Incidents*, CONSUMER PROD. SAFETY COMM’N (May 5, 2021), <https://www.cpsc.gov/Recalls/2021/peloton-recalls-tread-plus-treadmills-after-one-child-died-and-more-than-70-incidents>.

supplying, packaging, warning, promoting, marketing, developing, and/or selling the Tread+. These products are sold throughout the United States.

10. The Court has subject matter jurisdiction over this action because it exceeds fifteen thousand dollars (\$15,000.00), exclusive of fees and costs.

11. The Court has personal jurisdiction over Defendant because it does business in the Northern District of Florida and has sufficient minimum contacts with Tallahassee, Florida. Defendant intentionally avails itself of the markets in this State through the promotion, marketing, distribution, and sale of Peloton Tread and Tread+ machines to render the exercise of jurisdiction by this Court permissible under Florida law and the U.S. Constitution.

12. Venue is proper in the Northern District of Florida pursuant to 28 U.S.C. § 1391(b)(2) and (3) because a substantial part of the events or omissions giving rise to the claims at issue in this Complaint arose in this District and Defendant is subject to the Court's personal jurisdiction with respect to this action.

GENERAL FACTUAL ALLEGATIONS

13. The Peloton Tread machine designed, manufactured, marketed, promoted, and sold by Peloton. It retails for \$2,495 and is sold directly to consumers by Peloton. However, consumers do not just pay the purchase price. Owners of these devices must pay subscription fees on top of the purchase price to have full use of the machine.

14. The Peloton Tread is a treadmill, designed for walking, running, or climbing while staying in the same place on an endless belt.

15. Defendant marketed the Tread as “next level total body training” that “empowers” you to “step on for miles, jump off for strength, [and] achieve every goal.”⁵ Defendant similarly marketed the Tread+ as “Your hardest training session. Your softest road. The shock-absorbing belt, built with 59 individual slats, adds support under every step and maximum comfort to your toughest workouts.” Defendant’s website further boasts that its Tread+ has a “well-constructed” belt designed to avoid “stretching and slipping,” thereby preventing injury to the user.⁶

16. Peloton’s Tread and Tread+ machines contain significant design flaws that make them defective, unfit for use in a home with children, and unreasonably dangerous for their intended purpose—namely, because the design is extremely susceptible to children (and pets) getting trapped underneath the machine while it is operating.

17. This risk does not extend only to children using the machine without being supervised. Parents, while using the treadmills, have had their children approach the machine, out of eyesight of the parent, and those children been trapped and injured by the machines.

18. Unlike other treadmills, Peloton’s treadmills have a large space under the belt of the machine—and no safety bar, belt guard, or other safety feature that could prevent a child (or pet) from being sucked underneath the machine while in use (as depicted by the Figures below).

⁵ <https://www.onepeloton.com/tread> (last visited May 19, 2021).

⁶ <https://www.onepeloton.com/tread-plus> (last visited Apr. 22, 2021).

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