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1:21-cv-04632
Feinerman / McShain
RANDOM

States District Court
Northern District of Illinois

AUG 30 2021 *am*

THOMAS S. BRITTON
CLERK, U.S. DISTRICT COURT

KHAJA M M KHADER

(Plaintiff)

Vs.

1. Samsung Electronics America, Inc.
85 Challenger Road, Ridgefield Park,
NJ 07660-2106, USA
Main Telephone(201) 229-4000Main Fax(201) 229-4039

(Defendant)

2. Microsoft
Microsoft Corporation, One Microsoft Way
Redmond, WA 98052-6399, USA

(Defendant)

3. Facebook
Beat Saber, and Facebook as it purchased the company in Nov, 2019
1601 Willow Rd. Menlo Park, CA 94025, USA

(Defendant)

4. Valve Corporation,
P.O. Box 1688, Bellevue, WA 98004.
Registered office at 10400 NE 4th St., Bellevue,
WA 98004, United States of America
sourceengine@valvesoftware.com.

(Defendant)

1. I Khaja M. M. Kader S/o Late Sri. M. A. Wahab, resident of 10-1-128/1/1/A, Masab Tank, Hyderabad, 500004, Telengana, India aged about 54 years, Phone and whatsapp: +91 98480 78692, Email: khajammk@gmail.com, is herewith filing a case arising from an incident that took place on September 14, 2019 in Chicago, Illinois. I am a businessman, was in Chicago for a family reunion and business prospects from India.

2. While in the US, I was introduced to virtual reality video games. On the eve of September 13, 2019, I played virtual reality video games for the first time after observing the warning labels and learning about how to use the controls. The next morning, while visiting the Chicago zoo, I suffered a seizure and fainted, which led to hospitalization for two days. This is a very serious concern as the seizure did not happen when I was playing, it happened after 11 to 12 hours of playing, suppose I was driving or operating

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any heavy machinery, I could have injured myself and even lost my life and also I would have put others in danger, for example if I was driving at the time of having seizure and fainted I could have caused serious accident and injuries to others on road.

3. After this incident my life has completely changed as the medication I am being given is like a sedative, I am unable to concentrate on my business nor I am able to drive and have to sleep for over 12 hours.
4. I subsequently had to cancel my return flight to India as the doctors advised me not to travel for atleast 10 days. After returning home to India, my local doctors confirmed that the triggering event for the seizure was the effects of exposure to the virtual reality games.
5. I had no history of seizures until this event. I was placed on Keppra to control the possibility of future seizures which had a major impact on my ability to think clearly, lethargy and the inability to concentrate for long periods of times, symptoms I did not suffer until after the seizure. Later the doctors in India changed the medicine to *Valparin Chrono* as I started having side effects with keppra.
6. Samsung knowingly suppressed the information in 2018 when it released the Samsung Odyssey and Samsung Odyssey Plus and kept changing health warnings, in the first warning Samsung never stated that Samsung Odyssey and Samsung Odyssey Plus can cause seizures neither they stated any warning about seizures, in the second and updated health warning Samsung stated that persons having history of seizures should not play or use and in the third health warning Samsung stated that 1 in 4000 may

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experience seizures when using it.

7. After suffering from seizure I researched and found out that Microsoft had issued a warning on 21st June, 2018, when Samsung was suppressing the seizures health warning on its labels even Microsoft did not bother to correct Samsung, despite both Samsung and Microsoft jointly developed the Samsung Electronics HMD Odyssey+ Plus Windows Mixed Reality Headset with 2 Wireless Controllers.
8. Surprisingly even today none of these companies mention that seizures can happen after few hours or next day or after few days, however certain epilepsy websites indicate the same and also clearly mention that virtual reality can cause problems even after days of use, some researchers even suggest that virtual reality can cause permanent damage to eyes and neurological issues, none of these warnings are stated on their labels or in health warnings of Samsung Electronics HMD Odyssey+ Plus Windows Mixed Reality Headset with 2 Wireless Controllers developed jointly by Samsung and Windows and other virtual reality games manufactures in question such as Beat Saber, First Person Tennis and the blue, this establishes that these companies are hiding important information related to health issues, I request this honorable court to instruct Samsung Electronics HMD Odyssey+ Plus Windows Mixed Reality Headset with 2 Wireless Controllers developed jointly by Samsung and Windows and other virtual reality games manufactures in question such as Beat Saber, First Person Tennis and the blue to disclose information or knowledge they have about seizures, fainting, neurological problems, eye problems faced by users and also indicate on which date they received such information and on which date they have updated their labels.
9. Are these manufactures in question are disclosing all the health issues being faced by

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10. their respective users, which have come to their knowledge immediately on receipt of such information or they are knowingly suppressing the information in order to keep making profits at the cost of health and life of their customers.

11. It is very clear that the said manufactures in question are suppressing the information that the seizures can happen and a person can faint during seizures, after few hours or after few days of playing or using such devices or games, I gently request this honorable court to take this issue seriously and call for all information and knowledge they have till date from each and every manufacturer of such bad health effects of all devices, hardware's, software's, games etc. and instruct all the manufactures to clearly display the same on their labels and also educate their customers accordingly as this is a very serious issue which can cause accidents and even life of a person or persons if they get seizure and faint after few hours or few days of usage or playing such games, as suppose the person gets seizures during driving or operating any heavy equipment, he can cause accidents, harm himself and may also harm others on the road. I humbly request this honorable court to please do not let go this issue unchecked.

12. My hospital bills and all normal reports attached as Annexure 1, which establishes that the cause of seizures was only virtual reality games.

13. The health warnings changed from time to time and attached as Annexure 2.

14. The scientific evidence establishing that virtual reality games cause seizures, neurological problems, permanent damage to eyes are attached herewith as annexure

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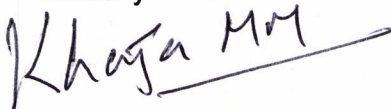
15. " My point is, when a plaintiff can win a six-figure jury award from a McDonald's hot coffee spill, it's no stretch to envision product claims based on allegations of illness and harm from users of virtual technology products"

16. In view of the above negligence on the part of the virtual reality head gear, hardware, software and games manufactures cause of which I got the seizures and my life completely changed after this event, wherein I am unable to drive, unable to concentrate on my business wherein I had developed products which could have benefitted me by millions of dollars of profit and further more this incident has caused major impact on my ability to think clearly, lethargy and the inability to concentrate for long periods of times, symptoms I did not suffer until after the seizure and fainting, in view of this suffering and irreparable loss I sue the companies in question for US Dollors 5 Million.

17. I humbly pray and request this honorable court to pass orders, instruct the defendants about disclosure of all health related issues which are in their knowledge and also the date from which they are awrae of the same and pass orders for paying compensation to me as this honorable court deems fit and appropriate.

Thanking you in advance

Sincerely



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