

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF ILLINOIS  
EAST ST. LOUIS DIVISION**

Elizabeth Steines, individually and on behalf  
of all others similarly situated,

Plaintiff,

- against -

Apple, Inc.,

Defendant

3:22-cv-03099

Class Action Complaint

Jury Trial Demanded

Plaintiff alleges upon information and belief, except for allegations about Plaintiff, which are based on personal knowledge:

1. Apple, Inc. (“Defendant”) manufactures, markets, and sells the iPhone smartphone, pictured next to the box it is sold in (“Product”).<sup>12</sup>



<sup>1</sup> References to a model or version of an iPhone are for example only, as the subject devices include the 12 through 14 series.

<sup>2</sup> This action is not related to or coordinated with ongoing enforcement activities in other countries related to substantially similar allegations.

2. To use the Product requires electricity, supplied by a charger, which refers to a power adapter (left) plugged into an outlet with a cable (right) taking energy from a wall to the phone.



3. An iPhone purchaser previously received a charger with their phone so they could supply it with energy and use it for its intended purposes, whether email, browsing the internet, work, reading or playing games.

4. Beginning last year, Defendant no longer included the power adapter, citing environmental benefits from forgoing the mining of precious metals required for its production and a reduction in waste, presumably by encouraging customers to use their old chargers.

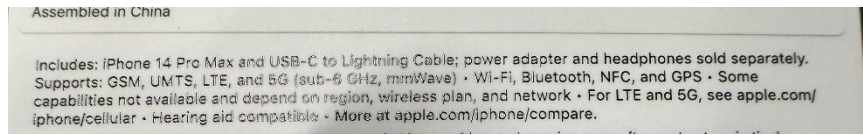
5. This explanation fails to account for the situation of a large percentage of iPhone purchasers for multiple reasons.

6. First, not all iPhone purchasers previously had iPhones or other Apple devices, which meant they did not have extra or any chargers to use.

7. Second, iPhone purchasers upgrading to a new model may (1) no longer have the charger which came with their device, (2) not have received a charger with their prior iPhone, (3) have a charger which is no longer compatible with the iPhone they are buying and/or (4) have a charger which has become non-functional due to age and/or usage.

8. Plaintiff and consumers were not aware they were purchasing an incomplete Product, devoid of essential functionality, because this was only disclosed on the back of the box, in small

print, stating, “Includes: iPhone 14 Pro Max and USB-C to Lightning Cable; power adapter and headphones sold separately.”



9. By selling the Product without a charger, it is not adequate for its intended use, which was to function as a phone and mini-computer, because it requires power or energy to operate.

10. Where the utility of a good depends upon another good which is not provided by the manufacturer, the good is considered defective or at a minimum, diminished in value.

11. By not providing a charger, customers like Plaintiff are forced to spend additional money on a charger.

12. When Defendant removed the charger, not only was the price of the Product not correspondingly reduced by the amount of the power adapter, the price increased, unrelated to

other added functionality which could justify this increase.

13. If a customer realizes in the store that the iPhone they purchased does not come with a charger, they will almost always want to go home with a charger.

14. Though lower-priced chargers are available online, the stores where most purchases are made – operated by Apple and cell phone companies – only sell costly chargers for not less than \$30.

15. Defendant could have taken other measures to promote environmental sustainability, by adopting industry standard USB-C chargers, instead of rendering the Product non-functional unless an additional purchase was made.

16. Defendant could have made chargers available for free to iPhone purchasers who request them.

17. As a result of the false and misleading representations and omissions, the Product is sold for a price premium, approximately no less than \$700 for the lowest price version, excluding tax and sales.

#### Jurisdiction and Venue

18. Jurisdiction is based on the Class Action Fairness Act of 2005 (“CAFA”). 28 U.S.C. § 1332(d)(2).

19. The aggregate amount in controversy exceeds \$5 million, including any statutory and punitive damages, exclusive of interest and costs.

20. Plaintiff is a citizen of Illinois.

21. Defendant is a California corporation with a principal place of business in California.

22. The class of persons Plaintiff seeks to represent includes persons who are citizens of different states from which Defendant is a citizen.

23. The members of the class Plaintiff seeks to represent are more than 100, because the Product has been sold with the representations described here for several years, from Defendant's stores and website, and from third-parties including mobile phone companies and retail stores and online in the States covered by Plaintiff's proposed classes.

24. Venue is in this District with assignment to the East St. Louis Division because a substantial part of the events or omissions giving rise to these claims occurred in Madison County, including Plaintiff's purchase and/or use of the Product, and awareness of and/or experiences with the issues described here.

#### Parties

25. Plaintiff Elizabeth Steines is a citizen of Godfrey, Madison County, Illinois.

26. Defendant is a California corporation with a principal place of business in California.

27. Plaintiff purchased an iPhone at a T-Mobile Store, 317 Homer M Adams Pkwy Ste I, Alton IL 62002 between roughly December 2021 and May 2022.

28. Plaintiff expected the iPhone would come with a charger so she could use her device.

29. Plaintiff did not have numerous chargers from previous iPhones because like most people, she did not get a new one every year.

30. Plaintiff's most recent iPhone purchase was made more than two years ago when chargers were included and/or were not compatible with the current iPhone.

31. Plaintiff expected that if she was buying something which required the purchase of another item to render the purchase functional, this information would be prominently disclosed to her.

32. Plaintiff bought the Product at or exceeding the above-referenced price.

33. Plaintiff paid more for the Product than she would have had she known it did not

# 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.