

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----x
DIANE CHUNG,

Plaintiff,

-against-

SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.
-----x

Index No.:
Date Purchased:

SUMMONS

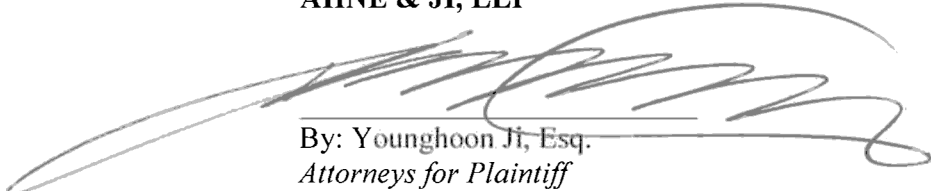
Venue: Based on place of
occurrence

To the above-named Defendant:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorneys an answer to the Complaint in this action within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after service is complete if this Summons is not personally delivered to you within the State of New York. In case of your failure to appear and answer, judgment will be taken against you by default for the relief demanded in the Complaint, together with the costs of this action.

Dated: September 7, 2018
New York, New York

AHNE & JI, LLP



By: Younghoon Ji, Esq.
Attorneys for Plaintiff
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New York, NY 10001
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DIANE CHUNG,

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VERIFIED COMPLAINT

Venue: Based on place of
occurrence

Plaintiff, DIANE CHUNG, by her attorneys, AHNE & JI, LLP, as and for her Complaint against Defendant, SAMSUNG ELECTRONICS AMERICA, INC., alleges as follows:

PARTIES

1. Plaintiff, DIANE CHUNG (“Plaintiff” or “Ms. Chung”), was and still is an individual residing in Nassau County, New York.

2. Upon information and belief, Defendant Samsung Electronics America, Inc. (“Samsung” or “Defendant Samsung”) was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New York.

3. Upon information and belief, Defendant Samsung was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New York.

4. Upon information and belief, Defendant Samsung has its principal executive office at 85 Challenger Road, Ridgefield Park, NJ 07660.

5. Upon information and belief, Defendant Samsung conducted and carried on, and still conducts and carries on, business in the State of New York.

6. Upon information and belief, Defendant Samsung transacted, and still transacts, business within the State of New York.

7. Upon information and belief, Defendant Samsung derived, and still derives, substantial revenue from goods used or consumed or services rendered in the State of New York.

8. Upon information and belief, Defendant Samsung expected or should have reasonably expected its acts to have consequences in the State of New York.

9. Samsung has been maintaining, and still maintains, continuous and systematic contacts with, and within, the State of New York, and it regularly conducts business in the State of New York.

10. Upon information and belief, Samsung supplies consumer electronics and digital products in the United States, including the State of New York.

11. Upon information and belief, Samsung offers a range of digital products for the home and personal use, including, but not limited to, LEDs and plasma TVs, home theater systems, camcorders, refrigerators, washers and dryers, ranges, dishwashers, microwave ovens, and vacuums.

12. Upon information and belief, Samsung also offers a range of technology products and solutions, such as LFDs, monitors, mobile computing products, notebooks, color and mono laser printers and copiers, solid state drives, set top boxes, and virtual desktop infrastructure to businesses in various industries, and medical imaging devices to healthcare providers.

13. Upon information and belief, Samsung researches, develops, and markets various personal and business communications products in North America, including handheld wireless phones, wireless communications infrastructure systems, fiber optics, and enterprise communication systems.

14. Upon information and belief, Samsung sells its products through retailers and resellers, as well as online.

15. Prior to and including September 3, 2018, Samsung was regularly engaged in the business of researching, designing, developing, manufacturing, fabricating, selling, distributing, marketing, servicing, and/or installing electronic wireless devices, including, but not limited to, the Samsung Galaxy Note 9 cell phone (IMEI: 358497090126596) (hereinafter referred to as the “Subject Phone”).

16. Sometime prior to September 3, 2018, Defendant Samsung was the designer, manufacturer, marketer, distributor, supplier, and/or seller of the Subject Phone, and it had distributed, marketed, sold, and/or supplied the Subject Phone.

17. Sometime prior to September 3, 2018, Defendant Samsung sold the Subject Phone to Verizon Communications, Inc.

18. Sometime prior to September 3, 2018, Verizon Communications, Inc. purchased the Subject Phone from Defendant Samsung.

19. At some time prior to September 3, 2018, Verizon Communications, Inc. distributed, supplied, and/or sold the Subject Phone to Plaintiff, who purchased it for the purposes of using it for its intended use as a smartphone.

20. In or around August 2016, Samsung launched its Galaxy Note 7, but “within weeks of the launch, Samsung’s customers in South Korea reported that the phones were catching fire. Some had exploded. By Sept. 2, the company stopped producing the phone and was sending replacements.”¹

¹ Hayley Tsukayama, “[How Samsung moved beyond its exploding phones](https://www.washingtonpost.com/business/how-samsung-moved-beyond-its-exploding-phones/2018/02/23/5675632c-182f-11e8-b681-2d4d462a1921_story.html?noredirect=on&utm_term=.bfacd743fba),” February 23, 2018, available at https://www.washingtonpost.com/business/how-samsung-moved-beyond-its-exploding-phones/2018/02/23/5675632c-182f-11e8-b681-2d4d462a1921_story.html?noredirect=on&utm_term=.bfacd743fba

21. The U.S. Government recall of the Samsung Galaxy Note 7 followed on September 12, 2016; a second came in October 2016 when the replacement units had the same incendiary issues.²

22. On or about August 24, 2018, Samsung released its Galaxy Note 9 to the market.

23. Defendant Samsung, as a manufacturer of smartphones, failed to adopt, implement, and utilize readily accessible technologies, which it was definitely aware of.

24. For several years now, Defendant Samsung has been aware of the problems involving its smartphones excessively overheating, smoking, and combusting during normal use and conditions, most notably due to the issues involving its Galaxy Note 7.

25. Upon information and belief, Defendant Samsung was responsible for the safe design and/or manufacture of the Subject Phone.

26. Upon information and belief, Defendant Samsung sold the Subject Phone and introduced it into the stream of commerce.

27. Defendant Samsung did not implement, adopt, or utilize readily accessible technologies, which would reduce the probability of a fire or explosion, and instead relied on other technologies that were proven to be defective.

28. Defendant Samsung's Galaxy Note 9, including the Subject Phone, was defective in that its risks outweighed its utility and/or in that a practical, feasible, and safer design and/or technologies existed that would have reduced or prevented the propensity of the Subject Phone to catch fire and explode.

29. Had Defendant Samsung implemented, adopted, or utilized this available, safer technology on the Subject Phone, Plaintiff may not have been injured, or, her injury would have been dramatically reduced.

² *Id.*

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