

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEBORAH FRAME-WILSON, CHRISTIAN
SABOL, SAMANTHIA RUSSELL, ARTHUR
SCHAREIN, LIONEL KEROS, NATHAN
CHANEY, CHRIS GULLEY, SHERYL
TAYLOR-HOLLY, ANTHONY COURTNEY,
DAVE WESTROPE, STACY DUTILL,
SARAH ARRINGTON, MARY ELLIOT,
HEATHER GEESEY, STEVE MORTILLARO,
CHAUNDA LEWIS, ADRIAN HENNEN,
GLENDA R. HILL, GAIL MURPHY,
PHYLLIS HUSTER, and GERRY
KOCHENDORFER, on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware
corporation,

Defendant.

No. 20-cv-00424-RAJ

FIRST AMENDED CLASS ACTION
COMPLAINT

DEMAND FOR JURY TRIAL

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1 Plaintiffs allege the following upon personal knowledge as to themselves and their own
2 acts, and as to all other matters upon information and belief, based upon the investigation made
3 by and through their attorneys and experts in the field of antitrust economics.

4 I. INTRODUCTION

5 A. Summary of Allegations

6 1. Amazon.com, Inc. (“Amazon”) has many competitive advantages over the third-
7 party sellers, with whom it competes in the sale of goods on the Amazon.com platform. One
8 critical advantage is the absence of seller and advertising fees that it charges them to compete on
9 its platform. These fees add significantly to third-party sellers’ cost of doing business on
10 Amazon’s platform and substantially reduce the price competition Amazon faces from them on
11 its own platform. As if that were not enough, Amazon abuses the power of its marketplace
12 platform by restraining its third-party sellers from competing on *any other* website or competing
13 ecommerce channel at a lower price—even when they incur no seller fees and could profitably
14 sell their goods at significantly lower prices. This illegal restraint on competition is precisely
15 what the antitrust laws are intended to combat.

16 2. Amazon is “the world’s largest online retailer.”¹ Its market valuation recently rose
17 to \$1.5 trillion, “more than that of Walmart, Target, Salesforce, IBM, eBay, and Etsy
18 combined.”² Sales on Amazon’s website, through its app or voice control devices (collectively
19 referred to as the “Amazon.com platform”) account for almost half of all retail ecommerce in the
20 United States.³ Amazon’s nine closest competitors have a distant 1.1%-6.6% share of the retail
21 ecommerce market.⁴ Amazon operates as retailer, selling directly to its customers. It also
22

23 ¹ Declaration of Ella Irwin, Director of Marketplace Abuse at Amazon (Jul. 13, 2018),
24 *Kangaroo Mfg., Inc. v. Amazon.com*, Case No. 17-cv-1806SPL (D. Ariz.), Dkt. No. 75 (“Irwin
Decl.”), ¶ 2.

25 ² Press Release (Jul. 29, 2020)
26 <https://judiciary.house.gov/news/documentsingle.aspx?DocumentID=3199>.

27 ³ *Amazon Now Has Nearly 50% of US Ecommerce Market*, Emarketer (Jul. 16, 2018),
28 <https://www.emarketer.com/content/amazon-now-has-nearly-50-of-us-ecommerce-market>.

⁴ *Id.*



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