

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS DOROBIALA,  
  
Plaintiff,  
  
v.  
  
AMAZON.COM, INC., a Delaware  
corporation,  
  
Defendant.

Case No. 2:22-cv-01600

**PLAINTIFF'S OPPOSITION TO  
AMAZON'S MOTION FOR  
CONSOLIDATION**

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## I. INTRODUCTION

Plaintiff Thomas Dorobiala objects to Amazon's motion to consolidate the instant action with *Nicholas v. Amazon.com, Inc.*, No. 2:22-cv-01616-RSM ("*Nicholas* action"), and *Daly v. Amazon.com, Inc.*, No. 2:22-cv-00910-RSM ("*Daly* action"), because consolidation does not serve any valid purpose. Amazon's superficial depiction of the allegations of dark patterns as the common thread among the three complaints ignores the fact that Plaintiff seeks to represent a different class, challenges different conduct, and seeks different remedies than the plaintiffs in the *Nicholas* and *Daly* actions. Amazon does not identify any common claims or factual issues that warrant consolidation to preserve judicial resources, nor is consolidation needed to prevent inconsistent rulings, given that the same Court already presides over all three cases. By contrast, consolidating the claims of three disparate plaintiff groups into a single complaint obscures the logical structures of their respective actions, jeopardizes the representation of the respective classes they assert and the prosecution of their respective claims, and senselessly forces a leadership battle among their respective counsel.

Specifically, in the instant action Plaintiff relies on Amazon's contractual choice of law provision and seeks to recover damages on behalf of a single national class under the Washington Consumer Protection Act caused by Amazon's implementation of dark patterns in the online cancelation procedure for Prime subscriptions. Plaintiff would be substantially prejudiced in his defense of dispositive motions, class certification, and at trial if, instead of defending a single claim on behalf of a single class of consumers injured by a single course of conduct, he was forced to defend seven classes, thirteen claims, varying monetary remedies, and requests for injunctive relief based on a broader set of actions concerning Amazon's advertising, enrollment, credit card charging, and cancelation procedures for 11 subscription services from Amazon and an indefinite number of products available through Amazon's Subscribe and Save program. Equally, Plaintiff would be prejudiced in discovery, where instead of having a presumptive right to take up to 10 depositions or serve up to 26 interrogatories to obtain the testimony he needs to pursue his case, he would have to vie with the other plaintiffs' groups, who would also rely on those presumptive limitations to support their collective claims.

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