

IN THE CIRCUIT COURT OF THE
ELEVENTH CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

CASE NO.

STEPHANIE ARMAS, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiff(s),

CLASS REPRESENTATION

v.

AMAZON.COM, INC.,

Defendant.

_____ /

PLAINTIFF'S CLASS ACTION COMPLAINT FOR DAMAGES

Plaintiff Stephanie Armas, individually and on behalf of all others similarly situated (the "Class"), brings this action against the Defendant, Amazon.com, Inc., a foreign corporation, and alleges as follows:

PARTIES & JURISDICTION

1. Plaintiff Stephanie Armas is an individual over eighteen years of age, is a resident of Miami-Dade County, Florida, and is otherwise *sui juris*.
2. Defendant Amazon.com, Inc., is a foreign corporation headquartered in Seattle, Washington, and which regularly conducts and transacts business in Miami-Dade County, Florida.
3. This is an action in which the amount in controversy, in the aggregate, exceeds the sum of thirty thousand dollars (\$30,000), exclusive of interest, costs, and attorneys' fees.

4. Venue is proper pursuant to Section 47.051, Fla. Stat., because the wrongful acts underlying the Plaintiff's cause of action took place and Plaintiff's cause of action accrued in Miami-Dade County, Florida.

GENERAL ALLEGATIONS

5. COVID-19 is a novel form of coronavirus which, in early 2020, emerged from Wuhan, China and spread easily and sustainably across geographic areas.

6. As of the filing of this Complaint, the virus has spread to 104 countries (other than China), resulting in more than 109,000 confirmed cases and more than 3,800 deaths.

7. On February 28, 2020, the Centers for Disease Control and Prevention ("CDC") confirmed the first case of COVID-19 of "unknown origin" in the United States.

8. In the two (2) weeks since that confirmation, U.S. public health officials have confirmed more than 400 cases of COVID-19 across 35 states (including the State of Florida), resulting in at least 19 deaths.

9. On March 9, 2020, Governor Ron DeSantis declared a state of emergency in Florida. That declaration allows the State of Florida "to create a unified command structure . . . and allows, if need be, out of state medical personnel to operate in Florida" in order to address and work to contain the disease. Between March 7 and 8, 2020, the Florida Legislature agreed to allocate \$25 million to fight the continued spread of coronavirus in the state.

10. COVID-19's rapid spread and the very real threat of a widespread quarantine, have caused a run on various personal hygiene products, such as disinfectant wipes, hand sanitizer, and toilet paper.

11. Unfortunately, retailers, such as the Defendant here, are preying upon the public's fear of a surging epidemic and using COVID-19 as an opportunity to pad profits by way of unlawful price increases.

12. Under Florida law, it is illegal to charge unconscionable prices for goods or services following a declared state of emergency. That is precisely what Amazon has done and continues to do.

13. Plaintiff Stephanie Armas is a mother of 5. On March 9, 2020, she purchased a package of thirty-six rolls of toilet paper and a pack of 2, 1 liter bottles of Purell hand sanitizer from the Defendant.

14. The Defendant charged and the Plaintiff paid \$99.00 for the toilet paper, and \$199.00 for the hand sanitizer.

15. The prices charged by the Defendant are grossly unconscionable. To be clear, hand sanitizer regularly retails for \$7-8 per liter. Toilet paper customarily retails for around \$1 per roll.

16. All conditions precedent to the filing of this action have been satisfied, waived, or otherwise occurred.

CLASS ALLEGATIONS

17. Plaintiffs bring this action on behalf of themselves and the following classes, pursuant to the provisions of 1.220(a), 1.220(b)(1), and 1.220(b)(3) of the Florida Rule of Civil Procedure:

Statewide Consumer Class

All consumers in the State of Florida who purchased hygienic products from the Defendant following the declaration of a state of emergency, on March 9, 2020. Excluded from the Class are consumers that are not citizens of the State of Florida, all persons who made a timely election to be excluded from the Class; the judge to whom this case is assigned and his/her immediate family, and the

attorneys of record.

18. Plaintiff reserves the right to revise the Class definition based upon information learned through discovery.

19. Certification of Plaintiff's claims for class-wide treatment is appropriate because Plaintiff can prove the elements of her claims on a class-wide basis using the same evidence as would be used to prove those elements in individual actions alleging the same claims.

20. This action has been brought and may be properly maintained on behalf of the Class proposed herein under Florida Rules of Civil Procedure 1.220(a), 1.220(b)(1), and 1.220(b)(3).

21. **Numerosity**. Florida Rule of Civil Procedure 1.220(a)(1): The members of the Class are so numerous that individual joinder is impracticable. While Plaintiff is informed and believes that there are no less than thousands of members of the Class, the precise number of Class members is unknown to Plaintiff but may be ascertained from Defendant's sales records. Class members may be notified of the pendency of this action by recognized, court-approved notice dissemination methods, which may be disseminated via U.S. Mail, email, Internet postings, radio and television commercials, and print notice.

22. **Commonality**. Florida Rule of Civil Procedure 1.220(a)(2): This action involves common questions of law and fact. Plaintiff and the Class possess the same rights arising under the laws of the State of Florida. The claims are predicated on the Defendant's permitting and charging unconscionable prices on hygienic products in the midst of a declared state of emergency on the basis of a public health crisis. The damages suffered by Plaintiff and the Class were caused by the same common course of conduct on the part of the Defendant.

23. The common questions of law and fact, which predominate over any questions affecting individual Class members, include, without limitation:

- a. Whether Defendant engaged in the conduct alleged herein;
- b. Whether Defendant charged unconscionable prices for hygienic products;
and
- c. Whether Plaintiff and the Class are entitled to consequential damages and,
if so, in what amount.

24. **Typicality**. Florida Rule of Civil Procedure 1.220(a)(3): Plaintiff's claims are typical of other Class members' claims as Plaintiff possesses the same interests and suffered the same injuries as the Class, such that there is a sufficient nexus between Plaintiff's claims and those of the Class.

25. **Adequate Representation**. Florida Rule of Civil Procedure 1.220(a)(4): Plaintiff is an adequate Class representative because her interests do not conflict with the interests of the other members of the Classes. Plaintiff intends to prosecute this action vigorously. Plaintiff has retained competent and experienced counsel in complex class action litigation. Plaintiff has retained J. Alfredo Armas. The Class' interests will be fairly and adequately protected by Plaintiff and her counsel.

26. **Predominance and Superiority**. Florida Rule of Civil Procedure 1.220(b)(1) and 1.220(b)(3): A class action is superior to any other available means for the fair and efficient adjudication of this controversy. The consequential damages suffered by Plaintiff and the other Class members are relatively small compared to the burden and expense that would be required to individually litigate their claims against Defendant, so it would be impracticable for Class members to individually seek redress for Defendant's unfair and deceptive trade practices. Even if Class members could afford individual litigation, the court system could not. Individualized litigation creates a potential for inconsistent or contradictory judgments, and increases the delay

and expense to all parties and the court system. By contrast, the class action device presents far fewer management difficulties and provides the benefits such as single adjudication, the economy of scale, and comprehensive supervision by a single court.

COUNT I
VIOLATIONS OF THE FLORIDA DECEPTIVE AND UNFAIR TRADE PRACTICES
ACT (“FDUTPA”) (Fla. Stat. § 501.201, et seq.)

27. Plaintiff incorporates and realleges the allegations of paragraphs 1-25 as though fully set forth here.

28. This is an action for damages pursuant to § 501.211, Florida Statutes.

29. Defendant is engaged in the business of selling products and consumer goods, including personal hygiene products, to consumers in the State of Florida.

30. Defendant has engaged in unconscionable and unfair acts and practices by, *inter alia*, charging unconscionable rates for personal hygiene products during a public health crisis.

WHEREFORE Plaintiff and the similarly situated Class Members respectfully demand Judgment against Defendant in the amount equal to their actual damages, plus attorney’s fees and costs, together with any and all statutory damages to which Plaintiff and the Class Members are entitled.

JURY DEMAND

Plaintiff hereby demands a jury trial on all issues so triable.

Dated: March 10, 2020.

Respectfully Submitted,

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