

1 Hannah Meropol (CA Bar No. 340095)
2 Carrie Goldberg (*pro hac vice* application forthcoming)
3 Naomi Leeds (*pro hac vice* application forthcoming)
4 **C.A. Goldberg, PLLC**
5 16 Court St., 33rd Floor
6 Brooklyn, NY 11241
7 Telephone: 646-666-8908
8 Fax: 347-599-9998
9 Email: hannah@cagoldberglaw.com
10 *Attorneys for Plaintiffs*

FILED
Superior Court of California
County of Alameda
09/29/2022
Clad Filke, Executive Officer / Clerk of the Court
By: _____ A. Linhares Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

10 NICHOLAS MCCARTHY and
11 MARTINIQUE MAYNOR, individually and
12 NICHOLAS MCCARTHY as successor-in-
13 interest to ETHAN MCCARTHY a deceased
14 individual;
15 LAURA JÓNSSON and
16 STEINN JÓNSSON, individually, and
17 LAURA JÓNSSON as successor-in-interest
18 to KRISTINE JÓNSSON, a deceased
19 individual;

20 Plaintiffs,

21 vs.

22 AMAZON.COM, INC., a Delaware
23 corporation, and
24 LOUDWOLF, INC., a California
25 corporation,

26 Defendants.

NO. 22CV018942

**COMPLAINT FOR CIVIL PENALTIES
AND DEMAND FOR A JURY TRIAL**

[Products liability; Negligence; Negligent
infliction of emotional distress]

27 **COME NOW** plaintiffs Martinique Maynor and Nicholas McCarthy, individually, and
28 Nicholas McCarthy as successor-in-interest to Ethan McCarthy, deceased, and Laura Jónsson
29 and Steinn Jónsson, individually, and Laura Jónsson as successor-in-interest of Kristine Jónsson,
30 by and through their attorneys, C.A. Goldberg, PLLC, and for causes of action against defendants
31 Amazon.com, Inc. and Loudwolf, Inc. state:

1 11. Amazon has no method of age verification to set up an account and even if it did,
2 does not hesitate to sell Sodium Nitrite to households or to children.

3 12. Amazon knows it sells Sodium Nitrite to households that have no history of
4 purchasing potent industrial chemicals.

5 13. Amazon and Loudwolf know there are zero household uses for Sodium Nitrite.

6 14. Amazon knows that during the coronavirus pandemic there was a huge spike in
7 teenage suicide and mental health crises, and that Sodium Nitrite became a popular, cheap, and
8 convenient method for teens to kill themselves.

9 15. During the pandemic, Amazon's profits soared 220% in the first year alone,
10 capitalizing on Americans quarantining at home and positioning itself as the trusted stalwart that
11 could be counted on deliver necessities—at times being the only reliable provider of masks, toilet
12 paper, and hand sanitizer when everybody was scared to leave home.

13 16. Shoppers on Amazon can just as easily click to purchase Sodium Nitrite as they
14 can batteries, pistachio nuts, or a toilet paper.

15 17. After being informed of the high incidence of Sodium Nitrite being sold to
16 children and delivered to their homes, Amazon consciously, and with the advice of legal counsel,
17 recommitted to continue to sell Sodium Nitrite and deliver it to the homes of children.

18 18. Plaintiffs are the families of two teenagers, unknown to one another, who during
19 the Coronavirus pandemic separately purchased Loudwolf Sodium Nitrite from Amazon and then
20 died excruciating deaths just over three months apart.

21 19. On September 24, 2020, 16-year-old Kristine Jónsson from Hilliard, Ohio
22 purchased Loudwolf Sodium Nitrite from Amazon.com. It arrived two days later.

23 20. The police found her dead in her mother's car at 8:12 am on September 30, 2020.

24 21. On January 1, 2021, 17-year-old Ethan McCarthy from Milton, West Virginia
25 purchased Loudwolf Sodium Nitrite from Amazon.com.

26 22. On January 7, 2021, Ethan's mother discovered him dead in his bed and he was
27

1 pronounced dead at 10:56am.

2 23. Both Kristine and Ethan had purchased the Sodium Nitrite for \$19.99. Amazon
3 made a total of \$2.39 from each sale.

4 24. The circumstances surrounding Amazon's sales to both Kristine and Ethan were
5 highly irregular. Amazon has a policy that people under the age of 18 can only use the service
6 with the involvement of a parent or guardian. However, Kristine, at just sixteen, had created her
7 own account to purchase the poisonous chemical and was never asked her age when she set up
8 the account. The package delivered to Kristine's home was addressed without a last name. It read
9 only "Kristine."

10 25. Seventeen-year-old Ethan used the account that belonged to his mother, Nikki, to
11 purchase Sodium Nitrite. When Nikki received the email receipt for the purchase, she
12 immediately called Amazon's customer service to tell them there must have been some mistake
13 and that nobody at her home had ordered the item. Amazon told Nikki the order was cancelled.
14 Instead, the Sodium Nitrite was delivered to her home four days later.

15 26. Amazon consciously sold Kristine and Ethan Sodium Nitrite with the knowledge
16 and understanding it would be used to end their lives.

17 27. In loving memory of Kristine and Ethan, their families now seek to hold Amazon
18 and Loudwolf responsible under theories of product liability and negligence for the untimely,
19 painful, and preventable deaths they caused.

20 **PARTIES**

21 At all relevant and material times:

22 28. Plaintiff Nicholas McCarthy ("Nick") is the father of Ethan McCarthy ("Ethan"),
23 who died on January 7, 2021 at age 17, and is the successor-in-interest to Ethan's estate.

24 29. Nick resides in Austintown, Ohio.

25 30. Nick has not entered into a User Agreement or other contractual relationship with
26 Amazon in connection with Ethan's use of Amazon.

1 dimensions, and weight; digital images of the product, as well as other information such as
2 shipping and handling options, product availability, in-stock status, and any other information
3 reasonably requested by Amazon.

4 55. The Agreement grants Amazon a royalty-free, non-exclusive, worldwide,
5 perpetual, irrevocable right and license to commercially or non-commercially exploit, in any
6 manner, the information provided by the manufacturers whose products it sells.

7 56. Amazon offers manufacturers a host of other services they can use in conjunction
8 with listing their product on Amazon's website. For example, Amazon offers "Amazon Clicks,"
9 an advertising service in which Amazon highlights and promotes the vendor's product to
10 customers.

11 57. Amazon exercises control of whether to prohibit the sale of products it deems
12 unsuitable for sale on its marketplace. At any time, Amazon has the power and control to de-list
13 a product.

14 58. Amazon reserves the right, to at any time, cease providing any or all of the
15 services it offers manufacturers at its sole discretion and without notice, including suspending,
16 prohibiting, or removing any listing. Amazon also retains other important privileges. For
17 example, Amazon can require manufacturers to stop or cancel orders of any product. If Amazon
18 determines that a manufacturer's actions or performance may result in risks or hazards, it may in
19 its sole discretion withhold any payments to the manufacturer.

20 59. Amazon has an intricate payment arrangement with manufacturers whose
21 products it sells. First, Amazon charges a monthly subscription fee. Then Amazon charges what
22 it calls a "referral fee," which is actually just a seller's commission on each item sold. The
23 percentage and minimum commission Amazon collects vary based on the category of the
24 product.

25 60. Amazon takes a 12% commission for products categorized as "Business,
26 Industrial, and Scientific Supplies" with a minimum per-unit commission of \$0.30.

1 **assist the customer in understanding the product”** [emphasis added].

2 65. Amazon does not enforce the visual requirements or the consumer safety
3 requirements for the industrial and scientific product it sells. This non-enforcement is true both
4 for the industrial and scientific products it sells for manufacturers like Loudwolf, as well as the
5 brands where Amazon possesses the products wholesale and is itself in charge of describing and
6 photographing the product.

7 66. Amazon recognizes there is liability for selling unsafe products online and in the
8 Agreement threatens to take civil action against manufacturers who do so.

9 67. Amazon tells its manufacturers that the “[t]he sale of illegal, unsafe, or other
10 restricted products” is “strictly prohibited” and that “the sale of illegal or unsafe products can
11 lead to legal action, including civil and criminal penalties.”

12 68. Amazon claims to not allow minors to have their own consumer accounts, but
13 instead child users can be on their parents’ “household” account.

14 69. However, Amazon does not ask new account holders to state their age when
15 they’re setting up an account.³

16 70. Amazon instills the false belief in families that they sell safe products.

17 71. Amazon makes much ado about its prohibition on products it deems unsafe or
18 immoral. It specifically prohibits drug products, controlled substances, and any product
19 containing CBD.

20 72. Amazon promotes its gift cards as a safe gift to give children on their birthdays,
21 Christmas, and other special occasions.

22 73. Amazon makes billions of dollars in gift cards given to children.

23 74. By its own admission, Amazon influences the mental states that that compel
24 people to purchase specific goods. Its 2021 Amazon Consumer Behavior Report begins with:

25 ³<https://www.amazon.com/gp/help/customer/display.html?nodeId=GLSBYFE9MGKKQXXM#:~:text=If%20you%20are%20under%2018,teenagers%20in%20their%20Amazon%20Household.> (Last updated September 14,
26 2022).

1 “To win in this era, especially on Amazon and other e-marketplaces, brands and retailers will
2 need to take a hard look at factors that *drive* consumers to make a purchase, paying close attention
3 to personalization, convenience, value, and product assortment.”⁴

4 75. Upon information and belief, between the data analytics collected about users and
5 its state-of-the-art ways to market at them, Amazon’s own design influences and predicts how
6 people will shop and what they will buy.

7 76. During the coronavirus pandemic, the trust in Amazon—and its influence in
8 causing purchases—grew as more people stuck in their homes quarantining relied on Amazon
9 for safe home deliveries of the essentials of life. (“As consumer’s comfortability and reliance on
10 e-marketplaces accelerates amid the pandemic, Amazon has emerged as the biggest beneficiary
11 from the growing trend of online shopping.” *Id.*)

12 **Loudwolf Sodium Nitrite Sold on Amazon.com**

13 77. Loudwolf, Inc. is a manufacturer that sells industrial chemicals on Amazon.

14 78. Paul Fullwood (aka “Professor Fullwood”) is the founder of Loudwolf, Inc. He is
15 president and chief operating officer of Digital Animation, Inc., a founding partner of Edison
16 Research Labs, and chairman of The First Fruit Charities, Inc. He is a board member of various
17 other companies including Digital Imagination, Inc.

18 79. Loudwolf brand Sodium Nitrite was sold both by Amazon.com and on its own
19 website, Loudwolf.com.

20 80. Loudwolf Sodium Nitrite was sold on Amazon at 99.6% purity– a purity level for
21 which there is no non-institutional or household use.
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25 _____
26 ⁴ *The 2021 Amazon Consumer Behavior Report: Based on a Survey of 2,000+ U.S. Shoppers*, Feedvisor (2021)
[emphasis added].



81. At all relevant times, the Loudwolf Sodium Nitrite available for purchase on Amazon was sold in violation of federal regulations issued by the FDA for Sodium Nitrite. CFR 172.175(b)(3) provides Sodium Nitrite must, at minimum, bear a clear label stating: “KEEP OUT OF REACH OF CHILDREN.” The actual label fails to include this language, yet falsely boasts “hundreds of known uses” and that it is “suitable for most experimental and analytical applications, as well as many technical and household purposes.”

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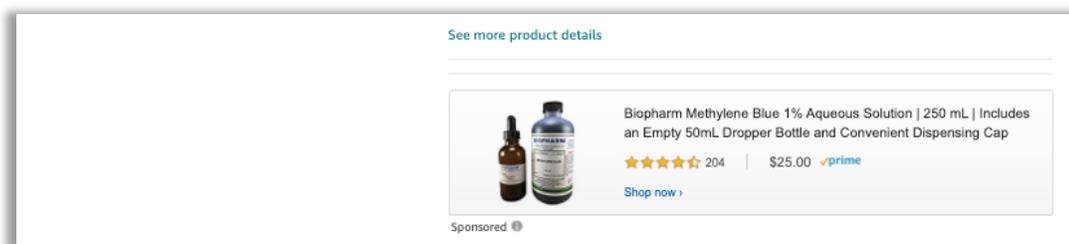
(Label depicted reads: “This is a high purity, reagent grade chemical. It is suitable for most experimental and analytical applications, as well as many technical and household purposes. This substance has hundreds of known uses. Please do your own research regarding its application to your specific purpose.”)

82. Further, the actual bottle contains nothing that even remotely warns consumers of how deadly the product is or how to reverse the effects. The only warning language contained on the label states: “HAZARD Oxidizer. Irritant.”



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13 83. Upon information and belief, Amazon continued selling Loudwolf Sodium
14 Nitrite despite repeated notifications that it was being used to complete suicides, up until the
15 Food and Drug Administration became involved in and only then was Loudwolf Sodium Nitrite
16 removed from both Amazon.com and Loudwolf.com.

17 84. Neither the product label nor the Amazon product page for Loudwolf Sodium
18 Nitrite mentioned a proven antidote to suicide attempts via Sodium Nitrite: an injection of
19 methylene blue. Though, notably, Amazon has sold advertising space to Biopharm Methylene
20 Blue 1% on various Sodium Nitrite product pages.

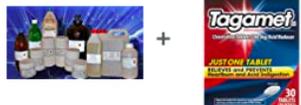


85. Amazon bundles Sodium Nitrite with other offerings to create suicide kits. Along with Sodium Nitrite, Amazon’s recommendation feature (*i.e.*, “Customers who viewed this item also viewed” and “Frequently bought together”) offers Tagamet, an acid reduction medicine that online suicide forums recommend to prevent lifesaving vomiting after ingesting a deadly dose of Sodium Nitrite. Also, among Amazon’s recommendations for viewers of Sodium Nitrite are small scales and the “Amazon Edition” of Dr. Philip Nitschke’s suicide instruction book, *The Peaceful Pill Handbook*. Amazon offers a new edition of the *Peaceful Pill Handbook* each year for \$95. Upon information and belief, Loudwolf Sodium Nitrite was one of the brands for which Amazon recommended these other suicide aids in the “Customers who viewed this item also viewed” and “Frequently bought together” suggestions to shoppers on product pages.

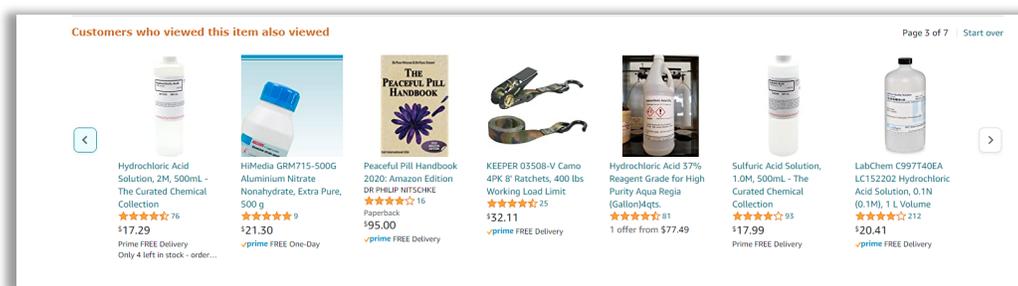
Customers who viewed this item also viewed

 Wishful Pink Curing Salt Prague Powder #1, Premium Curing Salt for Meat, Gluten Free 1.25 Pound Jar ★★★★☆ 153 \$12.97 (\$0.65/Ounce) ✓prime FREE Delivery	 Tagamet Acid Reducer, 200mg, 30-count Tablets, 30 Count ★★★★☆ 5,743 \$7.98 (\$0.27/Count) ✓prime FREE One-Day	 LabChem C997T40EA LC152202 Hydrochloric Acid Solution, 0.1N (0.1M), 1 L Volume ★★★★☆ 212 \$20.41 ✓prime FREE Delivery
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Frequently bought together

 +  Total price: **\$35.88**
[Add both to Cart](#)

 These items are shipped from and sold by different sellers. [Hide details](#)



86. The “Amazon Edition” of *The Peaceful Pill Handbook* devotes a chapter to “Lethal Inorganic Salts” wherein it details instructions for how to use Sodium Nitrite to die. It provides: “Sodium nitrite salt is very soluble in water. To prepare a lethal dose of the salt, 15gm is dissolved into 50- 100 ml of water. The taste is salty and unremarkable.”

87. Shockingly, the online edition of the *The Peaceful Pill eHandbook* touts how cheap and speedy Sodium Nitrite purchase and delivery is for suicidal readers who purchase it on Amazon, even providing an Amazon link. “[Sodium Nitrite] is readily available on the internet and has no safety issues for transport. Cost is minimal with chemical suppliers offering the product for as little as US\$15/kgm. <https://www.amazon.com/Sodium-Nitrite-Powder>.”

88. Upon information and belief, Amazon sold Loudwolf Sodium Nitrite starting in June 2017.

89. Amazon and Loudwolf knew or should have known people used Loudwolf Sodium Nitrite to die by suicide.

90. Starting in or before 2019, news articles and studies by medical researchers and the National Poison Data System began reporting a spike in suicides caused by Sodium Nitrite.

91. Upon information and belief, Amazon’s own data demonstrates an increased demand by individuals for Sodium Nitrite starting in or about 2019.⁵

⁵ The increase in sales is the result of the popularity of sanctioned-suicide.org, a website that had incarnations on the deep web and Reddit before Reddit banned it in 2018. Two individuals created Sanctioned Suicide to form a membership community for both those people who want to die and those who encourage others to die. Among Sanctioned Suicide’s many features is a “Suicide.Wiki” link which has such topics as “Methods”, “Hanging”, “Jumping”, “SA”, and “SN.” The SN link provides “step-by-step instructions” for death by Sodium Nitrite, a suicide method that “effectively kills whether old people or healthy Olympic champions”: “1. Take 30 mg metoclopramide (another editor suggested 800 mg of Tagamet, as well). 2. Wait 1 hour. 3.

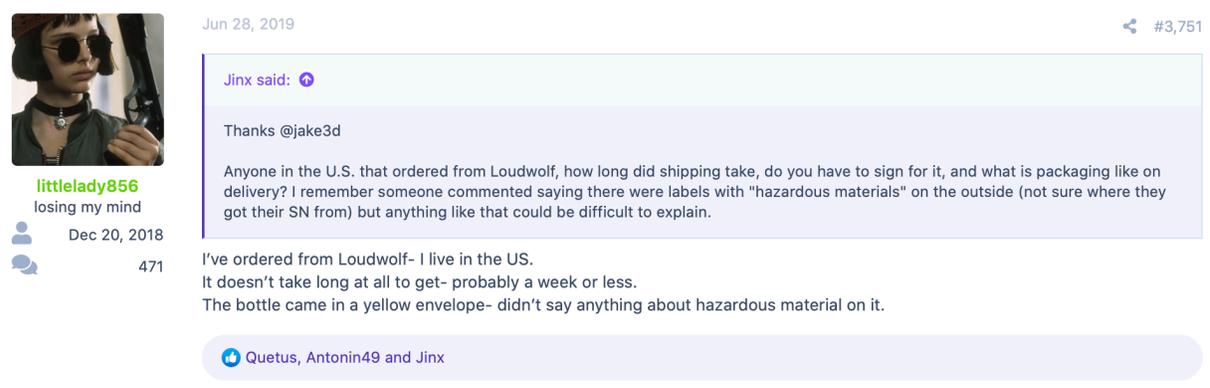
1 92. In 2019 the California Poison Control System (CPCS) was consulted on five
2 patients who intentionally ingested sodium nitrite between May and November 2019. In all cases,
3 the patients acquired the product from online vendors.⁶

4 93. Upon information and belief, Amazon’s own data demonstrates an increase in
5 private individual purchases, especially by those who also viewed and/or purchased products like
6 Tagamet acid reducer, scales, and suicide instruction books.

7 94. Upon information and belief, Amazon received complaints about Loudwolf
8 Sodium Nitrite killing their loved ones.

9 95. The pro-suicide website, Sanctioned-Suicide.com (“Sanctioned Suicide”),
10 explicitly refers suicidal individuals to Amazon to purchase Loudwolf Sodium Nitrite because it
11 is “sold without regulation” on Amazon.

12 96. Professor Fullwood, Loudwolf and Amazon are commonly referred to on suicide
13 forums as easy, quick, and accessible options to purchase Sodium Nitrite.



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25 Dissolve 15-25 g Sodium Nitrite in 50 ml municipal tap water. 4) Drink the solution and relax on a bed, a
couch or a reclining chair.”

26 ⁶ Matin, Adiba M. “Survival after self-poisoning with sodium nitrite: a case report” J Am Coll Emerg Physicians
Open. 2022 Apr; 3(2): e12702. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8931305/#emp212702-bib-0005>



Nov 1, 2019

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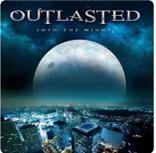
The prof is the distributor of the Loudwolf brand SN, supposedly.

Lethe

Fey

Sep 19, 2019

673



Nov 1, 2019

#5

MeltingHeart said:

That is strange! Who is this professor?! Which country u in? Sorry it's been delayed that sucks.

khw777

Just trying to catch a bus!



Oct 18, 2019

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I'm US

The professor is the seller from amazon.

97. Amazon is legally required to control sales of Sodium Nitrite in other countries because of its use for suicide. However, it does not provide the same care to its customers outside those countries. For instance, Sodium Nitrite is a “reportable substance” in the UK. As such, Amazon must report “any suspicious transaction (business to consumer and business to business) of Sodium Nitrite.”⁷

98. Similarly, other countries, such as The Netherlands, have organized actions to try to stop sales of Sodium Nitrite to private individuals.⁸

99. Despite knowing Sodium Nitrite is considered too dangerous to sell to some other nations’ consumers, Amazon continued to sell it to individuals in the United States.

100. Upon information and belief, Amazon engages in deception to increase its sales of Sodium Nitrite. For instance, upon learning that families were leaving one-star reviews for Sodium Nitrite relating to the deadliness of the product and its use for suicide, instead of

⁷ *Guidance: Supplying Explosives Precursors and Poisons*, Gov.uk Guidance (June 25, 2021), <https://www.gov.uk/government/publications/supplying-explosives-precursors/supplying-explosives-precursors-and-poison>.

⁸ *Suppliers of Suicidal Drug: No Sale to Private Individuals*, Algemeen Dagblad, https://www.ad.nl/politiek/leveranciers-zelfmoordmiddel-geen-verkoop-aan-particulier~a70b9e15/?referrer=https%3A%2F%2Fsuicide.wiki%2Fw%2FSodium_Nitrite.

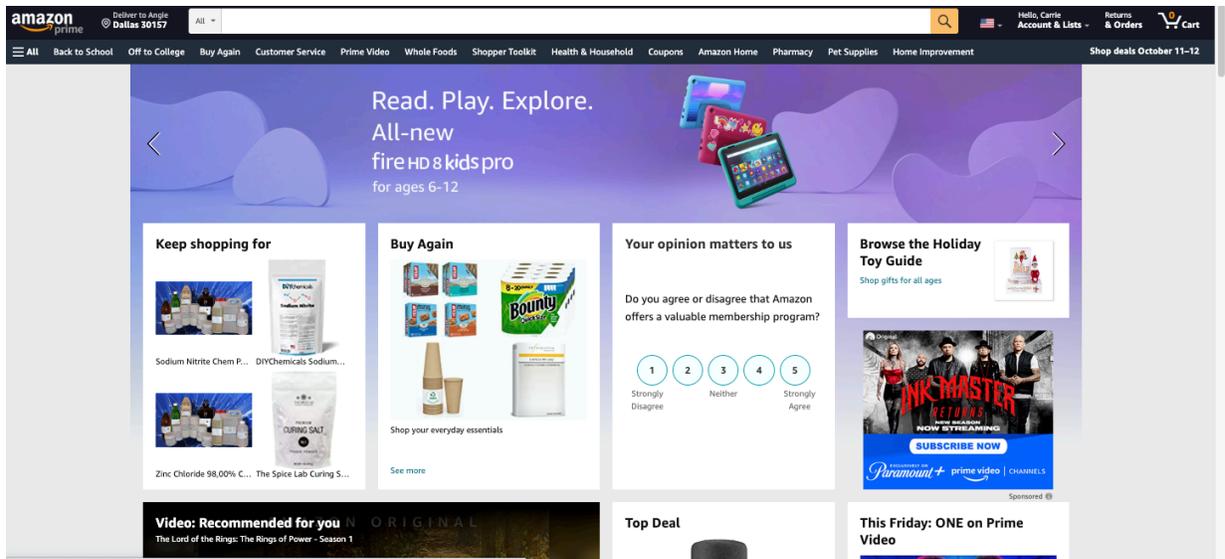
1 removing the product, Amazon removed comments containing the word “suicide.”

2 101. Amazon’s deletion of one-star reviews caused Loudwolf Sodium Nitrite to have
3 artificially high customer ratings.

4 102. Amazon has also taken punitive measures against grieving family members by
5 banning these individuals from leaving comments on any Amazon products at all after they left
6 one-star reviews about Sodium Nitrite.

7 103. Upon information and belief, Amazon used advertising tactics to convince people
8 to purchase Loudwolf Sodium Nitrite, such as tracking users who viewed Sodium Nitrite with
9 cookies and then advertising Loudwolf Sodium Nitrite to them on other sites they visited with
10 direct links to the product on Amazon.

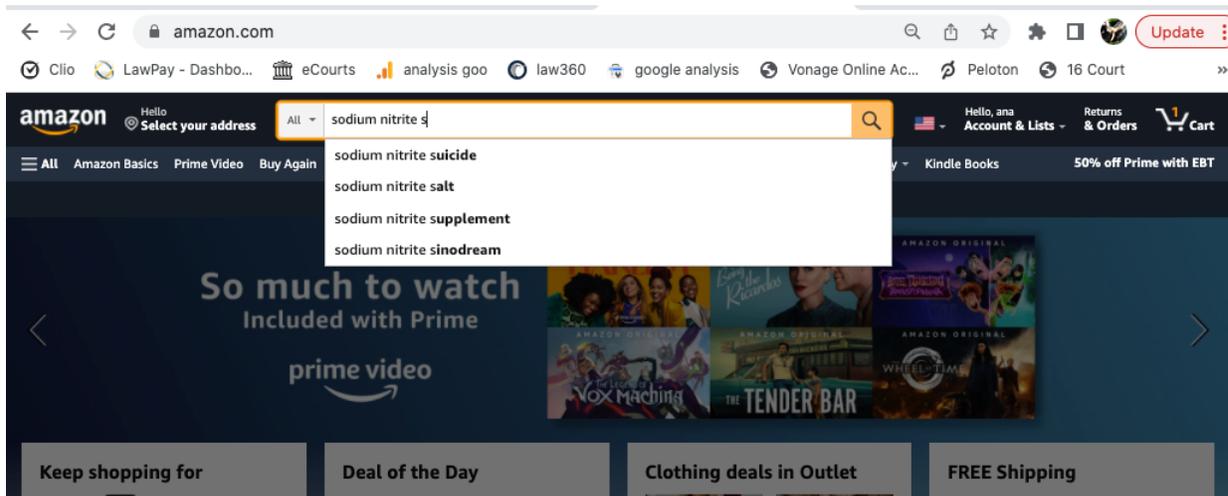
11 104. For customers who have looked repeatedly at Sodium Nitrite, Amazon places
12 Sodium Nitrite on their Amazon landing page and suggests customers “[k]eep shopping for”
13 Sodium Nitrite.”



23 105. Upon information and belief, Amazon routinely sent top-of-mind emails
24 advertising Sodium Nitrite to consumers who looked at Loudwolf Sodium Nitrite but did not
25 purchase it, and to consumers who placed it in their online shopping cart but had not completed
26 the transaction.

1 106. Upon information and belief, after people bought Loudwolf Sodium Nitrite,
2 Amazon would routinely nudge them about their purchase, asking them to rate the product and
3 even inquiring if they would like to order more.

4 107. Upon information and belief, Amazon engaged in various other methods to
5 normalize the use of Loudwolf Sodium Nitrite for suicide to condition its consumers to think that
6 shopping for suicide products on Amazon was safe, normal and a frequent well-plodded road. In
7 addition to recommending users buy the exact bundle of items recommended by Sanctioned
8 Suicide’s website to be used in conjunction with Sodium Nitrite and using the aforementioned
9 methods to nudge and pressure individuals to purchase, at all relevant times, Amazon auto-filled
10 its search results. Users who typed in “sodium nitrite” saw “sodium nitrite suicide” as the fifth
11 suggested prompt to complete their search. A user who began to type in “sodium nitrite salt”
12 would instead see “sodium nitrite suicide” before they could type the second letter of “salt.”



Suicide by Sodium Nitrite

23 108. Sodium Nitrite is a water soluble, white to slightly yellowish crystalline powder.

24 109. Sodium Nitrite has no household application. Its uses are mainly as a corrosion
25 inhibitor in antifreeze, an antidote to cyanide poisoning, and as a microbial. In Australia it was
26 also introduced as a method to control the growth of feral pig populations.

1 110. When Sodium Nitrite is used for suicide, it is mixed in a glass with water and
2 consumed orally. One gulp is enough. Methemoglobinemia impairs oxygen transport in blood,
3 which causes hypoxia.

4 111. Death from Sodium Nitrite induced Methemoglobinemia causes excruciating
5 discomfort prior to death. It operates as a chemical asphyxiant depriving oxygen to the brain and
6 heart. Individuals often experience volatile vomiting, seizures, diarrhea, and intense stomach
7 pain.

8 112. The appearance of individuals who died or are dying of Sodium Nitrite toxicity is
9 itself traumatizing. The lips and nails are blackened, and the skin is mottled and splotchy, and
10 turns bluish gray. The limbs become rigid. The blood, which turns thick and brown and with the
11 viscosity of chocolate syrup, oozes from the mouth and nose.

12 113. At a very diluted level, Sodium Nitrite can be found in food preservatives. For
13 instance, curing salts used for making jerky contain about 6% Sodium Nitrite. Even at this much
14 lower concentration, curing salts are always dyed pink as a caution to avoid mistaking it for
15 regular salt because over-consumption even of curing salts is so dangerous. In contrast, the
16 Loudwolf Sodium Nitrite, sold by Amazon, contained 99.6% pure Sodium Nitrite.

17 114. Sodium Nitrite at a purity level greater than 95% is a reagent chemical, meaning
18 its uses are strictly monitored in food factories and medical manufacturing, as well as in high-
19 purity laboratory and analytical applications. A trace amount could make a person extremely ill.

20 115. Sodium Nitrite at a purity level of 99.6% purity, as stated on Loudwolf's label,
21 actually exceeds the American Chemistry Society ("ACS") standard of 97% purity. This is the
22 highest purity chemical grade that exists in American science and research.

23 116. The FDA Administration has a special category of regulation for Sodium Nitrite
24 (21 CFR 172.175). All retail packing requires labeling with "adequate instructions for use to
25 provide a final food product" and which complies with strict federal limits on the amount of the
26 dangerous compound used. Federal law requires labels provide safety warnings for kids. "[T]he

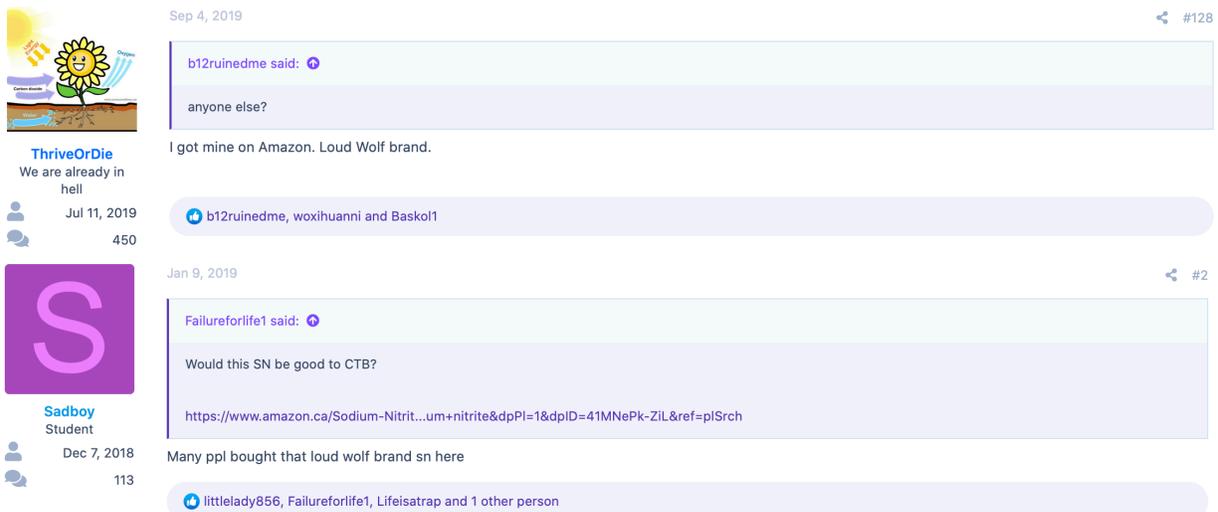
1 label of the additive, or of a mixture containing the additive, shall bear the statement ‘Keep out
2 of the reach of children.’”

3 117. Sodium Nitrite has recently become a highly recommended suicide method on the
4 pro-suicide website Sanctioned Suicide.

5 118. Sanctioned Suicide specifically recommends Sodium Nitrite as an effective
6 method of completing a suicide that is cheap and easy and most importantly, difficult for family
7 members and professionals to stop.

8 119. Sanctioned Suicide and its “suicide.wiki” have long recommended that members
9 purchase Sodium Nitrite specifically from Amazon.com.

10 120. Sanctioned Suicide users abbreviate Sodium Nitrite, to “SN.” In posts about
11 where to find the chemical, many users suggest Amazon and Loudwolf.



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21 121. The site further provides threads of instructions specifying dosages and methods
22 of dissolving the substance in water prior to consumption. It recommends supplementing the
23 Sodium Nitrite with antacid medication like Tagamet to ensure the poison can be digested
24 without vomiting.
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1 friend, Emma, and her cousin, Becca. Before the Coronavirus pandemic forced everybody into
2 quarantine in March 2020, Kristine and Emma had attended the Renaissance Faire and they
3 hoped to someday go to the Pride Parade with Becca.

4 130. Kristine was very close with her brother, Daniel, then 13, and her sister, Katherine,
5 then 10.

6 131. The pandemic was extremely difficult for Kristine. It began at a time in her life
7 when she was just beginning to come into her own. By September 2020, she felt the quarantine
8 restrictions would never lift. In her diary, she expressed feeling listless and meaningless. She
9 expressed feeling no joy; even the things that had once given her pleasure like group-chatting
10 with her friends no longer were enough.

11 132. On September 9, 2020, Kristine began imagining how people in her life would
12 react if they found out she was hospitalized after a suicide attempt. "It's such a morbid thought
13 but I keep coming back to it," she wrote. That night she registered for an account on Sanctioned-
14 Suicide.org.

15 133. Between September 15 and September 29, 2020, Kristine became resolute about
16 dying. Meanwhile, she put on a brave face to her family; they had no idea.

17 134. She created lists of pros and cons wrote letters to all her friends, and in her diary,
18 she carefully considered and ruled out other methods.

19 135. She considered getting a gun but noted that she would have to be over 18 and that
20 the wait was too long.

21 136. She considered getting an illegal gun but feared her mom would notice the
22 delivery.

23 137. She considered cutting herself but decided she didn't have the desire to experience
24 that type of pain and mess.

25 138. She considered an overdose on illegal drugs but didn't know enough about what
26 drugs to use or where to get them. Her own medicine cabinet only had Tylenol and melatonin.

1 159. Ethan, 17, was Nikki and Nick’s middle child. He was the problem solver in the
2 family, mediating arguments between his siblings. Very sociable, he’d always been emotionally
3 stable. Even through his parent’s divorce, he was never diagnosed with behavioral or
4 psychological conditions and never showed signs of depression or suicidality.

5 160. When it came to school, Ethan was the type of kid who barely studied and always
6 managed to get A’s and B’s. Living in the country, he and his brother played outdoors a lot, loved
7 target practice, and were always on adventures. He was also a very talented gamer and was
8 always adding new modifications to his gaming console. Ethan loved animals, especially his dog,
9 Jasper. He was a very active boy who loved rock-climbing and weightlifting. He was a natural
10 caretaker, constantly helping Nikki around the house and babysitting his little cousin, River, who
11 was 4 years old when Ethan died.

12 161. On January 2, 2021, Nikki noticed an email receipt from Amazon for \$28.54 from
13 the day before for an unfamiliar product she had not purchased, which was scheduled to be
14 delivered between January 13 and January 15. She asked her kids if they had ordered the product,
15 Sodium Nitrite, from her account. They said they had no idea what it was and that no, they had
16 not ordered it. Caleb joked that maybe it was for a bomb.

From: "Amazon.com" <auto-confirm@amazon.com>
Date: January 1, 2021 at 2:45:34 AM EST
To: [REDACTED]
Subject: Your [Amazon.com](https://www.amazon.com) order #112-8916824-8929802
Reply-To: no-reply@amazon.com



Order Confirmation

Hello **Martinique**,

Thank you for shopping with us. We'll send a confirmation when your item ships.

Details

Order [#112-8916824-8929802](#)

Arriving:
January 13 -
Friday, January 15

Ship to:
Martinique
MILTON, WV



Order Total: **\$28.54**

We hope to see you again soon.

[Amazon.com](https://www.amazon.com)

Buy it again



Brawny Tear-A-Square Paper
Towels...



Body Fortress Super Advanced
Whey...

\$33.88

The payment for your invoice is processed by Amazon Payments, Inc. P.O. Box 81226 Seattle, Washington 98108-1226. If you need more information, please contact (866) 216-1075

By placing your order, you agree to Amazon.com's [Privacy Notice](#) and [Conditions of Use](#). Unless otherwise noted, items sold by [Amazon.com](https://www.amazon.com) are subject to sales tax in select states in accordance with the applicable laws of that state. If your order contains one or more items from a seller other than [Amazon.com](https://www.amazon.com), it may be subject to state and local sales tax, depending upon the seller's business policies and the location of their operations. Learn more about [tax and seller information](#).

This email was sent from a notification-only address that cannot accept incoming email. Please do not reply to this message.

162. Diligently, Nikki contacted Amazon right away on January 2 to cancel the order. She called the number on the Amazon electronic receipt, 1(888)280-4331, and then got a call back from Amazon. They told her they were cancelling the order and were informing the manufacturer.

1 163. Believing her account had been hacked, Nikki followed the instructions in the
2 email from Amazon and enabled 2-factor authentication.

3 164. It was Nikki's understanding the shipment was cancelled and she gave it no
4 further thought.

5 165. Unbeknownst to Nikki, the product had shipped on January 1, 2021, just hours
6 after the purchase.

7 166. On January 5 or 6, 2021 Nikki saw some packages from Amazon had arrived and
8 brought them inside. She'd recently made several purchases from Amazon that she was
9 expecting – a computer microphone for Ethan, cat litter, a jewelry sizing tool, a dress, a floral
10 headband, and some hair dye. She placed the packages on the counter unopened and went about
11 her business.

12 167. In the morning of January 7, 2021, Nikki woke up and went down to the kitchen
13 to make breakfast for her family as usual. Ethan didn't get up as he usually would, so Nikki went
14 to wake Ethan up.

15 168. Nikki knocked on Ethan's bedroom door and received no response.

16 169. When she opened the door, she saw Ethan's still body lying in bed, his legs
17 crossed at the ankles and one arm was raised straight in the air. She ran over to him and put her
18 head on his chest. She touched his face. Nikki saw that Ethan's skin was mottled and felt cold.
19 She saw thick reddish-brown liquid coming out of his mouth.

20 170. Nikki screamed for her son Caleb to come. Caleb ran into the room and the two
21 handled Ethan's body. Nikki called 911 and EMS and the police arrived about fifteen minutes
22 later.

23 171. When emergency responders arrived, Nikki noticed that on Ethan's desk was a
24 bottle labeled Sodium Nitrite and next to it was a glass with white dried powder and a spoon.
25 Nikki realized it was the same item for which she had received the Amazon receipt, the purchase
26 that Amazon assured her was canceled.

1 179. The only exception to California’s prohibition on assisting in another person’s
2 suicide is the California “End of Life Option Act” which allows terminally ill adults to receive a
3 drug to hasten their death under very controlled medical circumstances.

4 180. Likewise, aiding in another person’s death is illegal in Washington State, where
5 Amazon was founded, and in Ohio where Kristine died. (See Washington State RCW 9A.36.060,
6 Ohio Revised Code Section 3795.04). In West Virginia, where Ethan died, there is no specific
7 criminal statute, but instead a common law tradition allowing prosecution for aiding a suicide.

8 181. There is no exception in criminal law that allows for the corporate-assisted suicide
9 Loudwolf and Amazon have caused. Nor do the tightly construed exceptions for physician-
10 assisted suicides in California and Washington contain provisions for corporate-assisted suicide.

11 182. Amazon and Loudwolf knew or should have known that they were facilitating and
12 profiting from vulnerable people dying by suicide.

13 183. Had Amazon applied the standard of care it must use for its sales of Sodium Nitrite
14 in the UK, it would have determined that Kristine and Ethan, neither of which had user histories
15 of purchasing meat preservatives, made suspicious, reportable purchases of Sodium Nitrite.

16 184. Instead, Amazon sold the Loudwolf Sodium Nitrite for \$19.99, which was
17 delivered within 3-4 days of both Kristine’s and Ethan’s purchases.

18 185. Amazon and Loudwolf were on notice that it was selling a dangerous product
19 when it sold Loudwolf Sodium Nitrite to Kristine and Ethan.

20 186. Amazon defends its right to sell Sodium Nitrite (and other products known to be
21 used for suicide) because it says some states immunize defendants that cause a personal injury
22 where that injury occurred during an attempted or completed suicide.

23 187. Amazon falsely states that “[w]e are constantly innovating on behalf of our
24 customers and working with regulators, third party experts, vendors, and sellers to improve the
25 ways we detect and prevent illegal and unsafe products from reaching our marketplace. Amazon
26

1 encourages you to report listings that violate Amazon’s policies or applicable law by contacting
2 us. We will investigate each report thoroughly and take appropriate action.”⁹

3 188. Amazon has refused to work with United States regulatory or legislative
4 authorities on the issue of Sodium Nitrite—it even ignored a letter from the top rulemaking
5 authority in our country—Congress.

6 189. On January 25, 2022, the United States Congress sent a letter to President and
7 Chief Executive Officer of Amazon, Andy Jassy, expressing its deep concern that Amazon is
8 providing “minors and adults with easy access to sodium nitrite, a deadly chemical.” Congress
9 expressed the belief that Amazon’s frictionless sale of Sodium Nitrite, combined with its speedy
10 delivery of the product, caused deaths. (“When a person is having suicidal thoughts, limiting fast
11 access to methods by which to die can make the difference between life and death, making the
12 fact that sodium nitrite can be sold and delivered overnight with Amazon Prime, a grave
13 concern.”).

14 190. Congress requested specific information on 15 different points, including the
15 number of units of Sodium Nitrite it sold, Amazon’s manipulation of user reviews, Amazon’s
16 labeling of Sodium Nitrite, and Amazon’s tracking methods to encourage sales of Sodium Nitrite.

17 191. Congress sought a response from Jassy by February 1, 2022. To date, neither
18 Jassy nor Amazon have provided a substantive response to the Congressional inquiry.

19 192. Amazon had options available to mitigate the risk of selling dangerous and deadly
20 Sodium Nitrite on its Marketplace, but it chose not to exercise those options.

21 193. Amazon was particularly well-positioned to assess health risks to consumers,
22 manage labeling, and take care to be responsible with warnings because, among its other online
23 retail functions, Amazon is a pharmacy that sells actual prescription drugs.

24 194. Amazon operates beneath the standard of care for online retailers when it comes
25 to selling Sodium Nitrite products. While Amazon has made an affirmative decision to continue

26 ⁹ <https://sellercentral.amazon.com/gp/help/external/200164330> (last visited September 27, 2022).

1 selling Sodium Nitrite, other online retailers banned the chemical years ago. Both Etsy and eBay
2 stopped selling Sodium Nitrite when they learned it was frequently being used for suicide.

3 195. In 2019, eBay made the voluntary decision to globally prohibit the sale of Sodium
4 Nitrite after learning it could be used for suicide. In a letter to a coroner in the UK who notified
5 eBay of a tragic case of death by Sodium Nitrite, eBay said that in addition to adding Sodium
6 Nitrite to its prohibited items policy in 2019, it had “update[d] its filters, which are used to detect
7 and prevent the listing for sale of this chemical.” Upon learning that there had been an undetected
8 sale of one unit of Sodium Nitrite in 2020 by an individual who listed it, eBay said it again
9 updated its filters and dispatched its security team to do a sweep for any similar listings.

10 196. EBay took so seriously a single third party listing of one unit of Sodium Nitrite
11 that it issued this public letter showing just how conscientious it is about prohibiting Sodium
12 Nitrite sales on its platform. The letter also explained that EBay relies on a notice and takedown
13 regime where members of the public can flag Sodium Nitrite listings or users offering it for sale,
14 and it has a system for receiving notifications from regulators if one of their 1.6 billion active
15 listings is selling it.

16 197. In contrast, upon receiving notice that the Sodium Nitrite it was selling and
17 delivering was killing kids, Amazon made the informed decision, on the counsel and advice of
18 their lawyers, to continue to sell a substance they know is sold over and over again for suicide.

19 198. Amazon also failed to take one of any number of simple ameliorative actions,
20 such as: cease selling Sodium Nitrite; include adequate warnings; display accurate warning labels
21 on the website and the bottle; describe Sodium Nitrite’s intended use (which can only be
22 institutional at this purity level); retain bad reviews and one-star reviews for the product; ensure
23 compliance with its own terms for product photography; indicate antidotes on the bottle and on
24 the website; limit qualified purchasers; refuse to provide quick, no-questions-asked delivery of
25 deadly chemicals; require age verification for all Amazon users; enforce their ban on not selling
26 unsafe products; comply with the standards set forth for unsafe products sold by third party

1 sellers; establish a complete ban on selling Sodium Nitrite to minors; use clear language on the
2 outside of packaging material to identify contents; apply the same standard of care as other
3 platforms that have removed the product; apply the same standard of care to US customers as
4 that required in the UK and the Netherlands; include suicide prevention brochures with the
5 packaging; stop guiding consumers to other suicide products when browsing for Sodium Nitrate
6 (*e.g.*, scales, instruction books, and antacids such as Tagamet); limit the ability to purchase any
7 laboratory or medical grade chemicals; integrate an effective business verification mechanism to
8 ensure vulnerable individuals are not purchasing poisonous chemicals; require dangerous
9 products be clearly marked on the outside of the packaging to potentially alert household
10 members; implement and staff a community standards and safety department that must launch
11 investigations into reports of dangerous and deadly products; escalate reports of death and suicide
12 caused by products purchased from Amazon; and flag situations where Sodium Nitrite is
13 purchased under unusual circumstances – such as when the item is immediately archived in a
14 person’s order history after purchase, when a person reports a purchase as a fraud, when a person
15 purchases Sodium Nitrite in their first name only, when a person creates a new account to
16 purchase Sodium Nitrite, when a person purchases Sodium Nitrite with no prior history of
17 purchasing chemical products before, when a person purchases Sodium Nitrite obviously not
18 during business hours and on holidays known for their increases in suicide, and when there is a
19 global pandemic.

20 199. Plaintiff Kristin Jónsson suffers deep anguish in the form of physical,
21 psychological, and emotional trauma caused by experiencing Kristine’s death. After Kristine’s
22 death, she experienced overwhelming anxiety and depression, PTSD and/or prolonged grief. She
23 experienced extreme weight loss, sleep disorders. She was put on medication for sleep and
24 depression/anxiety. She has suicidal thoughts intruding into her daily life, was in daily therapy
25 for three months. She wakes up in the middle of the night feeling terror about the safety of her
26

1 other kids, who also have experienced depression after the loss of their sister, and she is
2 constantly scared for their safety.

3 200. Plaintiff Steinn Jónsson has been crippled from the suffering and pain caused by
4 experiencing Kristine' death. He lost all enjoyment of life, had to stop working for seven weeks
5 and was put on antidepressants for the first time in his life.

6 201. Plaintiff Nikki Maynor suffers deep anguish in the form of physical,
7 psychological, and emotional trauma caused by experiencing Ethan's death. She was forced to
8 relocate homes because of the trauma of seeing Ethan dead. For five months she could barely
9 work, she was put on medication, and then experienced the pain of weening herself off of it and
10 reexperiencing the trauma.

11 202. Plaintiff Nick McCarthy has been crippled from the suffering and pain caused by
12 experiencing Ethan's death. He had a breakdown when he learned of his son's death, drove to
13 the funeral home and insisted on hugging Ethan's body on the gurney. He tried to numb the pain,
14 but had a nervous breakdown the next day, was hospitalized, and medicated. He suffers ongoing
15 trauma from the shock and from seeing his son, and still requires ongoing medication to stay
16 functional at his job.

17 **CAUSES OF ACTION**

18 **Count I: Products Liability**

19 **By all Plaintiffs Against Amazon and Loudwolf**

20 203. Paragraphs 1-202 are realleged as if fully set forth herein.

21 204. Amazon is a product seller of Loudwolf Sodium Nitrite.

22 205. Loudwolf is a product seller and a manufacturer of Loudwolf Sodium Nitrite.

23 206. Loudwolf Sodium Nitrite is a product.

24 207. Loudwolf Sodium Nitrite is defective due to the lack sufficient instructions and
25 warnings of potential safety hazards.

26 208. Loudwolf Sodium Nitrite is unreasonably dangerous.

1 209. Defendants jointly carry the liability of selling this defective product.

2 210. Plaintiffs used the product in a way that was reasonably foreseeable.

3 211. The product was in defective condition when it left Defendants' possession.

4 212. Amazon and Loudwolf, as product sellers, are liable the following non-exclusive
5 respects:

6 a. Amazon and Loudwolf negligently failed to cease selling Sodium Nitrite.

7 b. Amazon and Loudwolf negligently failed to limit sales to qualified purchasers.

8 c. Amazon negligently promoted other suicide-related products along with Sodium
9 Nitrite.

10 d. Amazon and Loudwolf negligently failed to limit consumers' ability to purchase
11 laboratory or medical grade chemicals.

12 e. Amazon and Loudwolf negligently failed to provide adequate warnings, either on
13 its website or along with the product when it shipped to consumers, concerning the painful death
14 Sodium Nitrite causes.

15 f. Amazon and Loudwolf negligently failed to provide information on how to
16 counteract Sodium Nitrite's poisonous affects.

17 g. Amazon and Loudwolf negligently failed to integrate an effective business
18 verification mechanism to ensure vulnerable, household-based individuals are not purchasing
19 poisonous chemicals.

20 h. Amazon and negligently failed to comply with its own terms and conditions for
21 product labeling.

22 i. Loudwolf negligently failed to describe Sodium Nitrite's intended uses.

23 j. Amazon intentionally removed and concealed negative product reviews that
24 warned consumers of the products use for death by suicide.

25 k. Amazon and Loudwolf negligently sold Loudwolf Sodium Nitrite to two children.
26

1 C. For an award of economic damages and non-economic damages in an amount to
2 be proven at trial;

3 D. For punitive damages against Amazon;

4 E. For punitive damages against Loudwolf;

5 F. For an award of pre-judgment and post-judgment interest;

6 G. For reasonable attorney fees and costs; and

7 H. For such other relief as the Court deems just and proper.

8 **DATED** this 29th day of September, 2022.

9 C.A. GOLDBERG, PLLC

10 

11 _____
HANNAH MEROPOL (Bar No. 340095)

12 CARRIE GOLDBERG, *pro hac vice* admission forthcoming

13 NAOMI LEEDS, *pro hac vice* admission forthcoming

14 16 Court Street

15 Brooklyn, New York 11241

16 hannah@cagoldberglaw.com

17 carrie@cagoldberglaw.com

18 naomi@cagoldberglaw.com

19 *Attorneys for Plaintiff*