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26 SUPERIOR COURT OF THE STATE OF CALIFORNIA

27 IN AND FOR THE COUNTY OF MARIN

28 JOHN DOE,

Plaintiff,

v.

STIIIZY INC. dba SHRYNE GROUP, INC.;
STIIIZY IP, LLC; and DOES 1-20, inclusive,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES and
DEMAND FOR TRIAL BY JURY**

1. Negligence
2. Strict Products Liability – Failure to Warn
3. Strict Products Liability – Design Defect
4. Negligent Misrepresentation
5. Fraudulent Concealment
6. Breach of Implied Warranty
7. Fraud

Punitive Damages Allegation

1 Plaintiff JOHN DOE (“Plaintiff”), by and through the undersigned counsel, brings this
2 action against Defendants STIIIZY INC. dba SHRYNE GROUP, INC.; STIIIZY IP, LLC; and
3 DOES 1-20, inclusive (hereinafter collectively referred to as, “STIIIZY” or “Defendants”).
4 Plaintiff, a natural person, brings claims under California law. Plaintiff’s allegations are based
5 upon information and belief.

6 **NATURE OF THE CASE**

7 1. STIIIZY is marketing dangerous, high-potency, marijuana vaporizers in ways
8 known to appeal to teenagers. STIIIZY’s conduct and products are causing young people to suffer
9 cannabis-induced psychosis (CIP) and driving an epidemic of CIP among California’s youth.

10 2. CIP is not a bad high, or a bad trip. CIP is an acute psychological event that can
11 require years of treatment, including the use of anti-psychotic medication. Based on current
12 scientific and medical research, CIP appears to be caused by high THC exposures, which can
13 damage the portions of the brain that allow a person to distinguish reality from delusion. Even an
14 individual who recovers from CIP and is not diagnosed with chronic psychosis may incur lasting
15 damage to their brain, increasing their risk of mental health issues for the rest of their life.

16 3. Across the country, there is a growing concern that the increasingly frequent use of
17 high-potency cannabis products may acutely harm teenagers’ health by causing episodic or lasting
18 bouts of psychosis. The problem is only becoming more visible in California, one of the first states
19 to legalize recreational cannabis: According to state hospital data, there were 1,053 emergency
20 room visits for CIP in California in 2019—a 54% increase from 682 emergency room visits in
21 2016.¹ Even as scientific and medical researchers investigate this alarming public health
22 development, the harms attendant to CIP have devastated and continue to devastate the lives of
23 teenagers and their families.

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27 ¹ April Dembosky, *Cases of Cannabis-Induced Psychosis Rise. Lawmakers Want to Add Mental*
28 *Health Warnings to Pot Products*, NPR (June 7, 2022),
<https://www.kqed.org/news/11916028/lawmakers-consider-adding-mental-health-warnings-to-pot-products>.

1 4. The recent rise in teen CIP is due in large part to the availability of cannabis,² as
2 well as technological advances in how young people can use its most potent forms. Over the past
3 15 years,³ increasingly sophisticated vaporizer devices (or vapes) have facilitated teens’ easy and
4 frequent use of increasingly highly concentrated cannabis in a portable, easy-to-use, and
5 fashionably aesthetic format. Cannabis vapes are discreet; they look like USB drives, do not
6 generate much smoke, and enable the inhalation of high-potency cannabis that is many times more
7 concentrated than what, in the past, could be smoked from a simple rolled cannabis cigarette (or
8 “joint”).

9 5. The cannabis industry targets youth in every aspect of its marketing. Cannabis
10 strains feature fun names like “Purple Punch” or “Gelato.” Cannabis vapes are designed not only
11 in subtle black or metallic colors but also in eye-catching colors and patterns. Cannabis
12 dispensaries, which have sprouted up in main-street storefronts across the country, cultivate club-
13 like spaces of pulsing lights, bass-heavy music, and eye-catching displays of their latest cannabis
14 strains and means of using them. And cannabis advertising features attractive young people
15 engaged in cool social activities—from skateboarding to attending music festivals—that are meant
16 to evoke a larger, cannabis-using lifestyle.

17 6. In part because of such marketing strategies, public perception of the risk of
18 cannabis is also declining. According to the federal Substance Abuse and Mental Health Services
19 Administration (SAMHSA), in 2021 only approximately 33.9% of individuals aged 12-17 years
20 perceived a great risk of harm associated with smoking marijuana once or twice a week; for the
21 same age group, this figure dropped in 2022 to approximately 31.4%.⁴ For individuals aged 18-
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24 ² A number of states have legalized the use of cannabis in some form. California legalized the
25 recreational use and sale of cannabis for adults 21 and over beginning in 2017, with the passage
of Proposition 64 (the Adult Use of Marijuana Act) on November 8, 2016.

26 ³ See *A Brief History of Weed Vapes*, Vice (July 12, 2017),
27 <https://www.vice.com/en/article/43d4dm/a-brief-history-of-weed-vapes>.

28 ⁴ Table 3.1B – Perceived Great Risk of Harm Associated with Substance Use, SAMHSA,
<https://www.samhsa.gov/data/sites/default/files/reports/rpt42728/NSDUHDetailedTabs2022/NSDUHDetailedTabs2022/NSDUHDetTabsSect3pe2022.htm>.

1 25, the percentage of those perceiving a great risk of harm associated with smoking marijuana once
2 or twice a week was only 14.5% in 2021 and 13.6% in 2022.⁵

3 7. Delta-9 tetrahydrocannabinol, or THC, is the principal psychoactive constituent of
4 cannabis and causes the “high” commonly associated with using cannabis. While the amount of
5 THC in a given cannabis product can vary widely, it has tended to increase over time. According
6 to statistics compiled by the National Institute on Drug Abuse, the average THC content of cannabis
7 seized by the Drug Enforcement Agency more than tripled in the past 25 years, increasing from
8 4% in 1995 to 15% in 2021.⁶ Medical studies have found that high-potency cannabis concentrates
9 may lead to higher risk of developing acute adverse effects such as paranoia and psychosis.⁷

10 8. As both the potency of cannabis products and the frequency of their consumption
11 increase, medical studies have observed a correlation between cannabis consumption and a variety
12 of psychiatric conditions, including CIP—an acute psychological event. The DSM-5 categorizes
13 CIP disorder as a substance-induced psychotic disorder, but CIP has further distinguishing
14 characteristics such as the sudden onset of mood lability and paranoid symptoms within one week
15 of, but as early as 24 hours after use. CIP is commonly precipitated by a cannabis user ingesting a
16 sharply increased amount of THC, which often results from using a higher-potency product.⁸

17 9. California is the largest commercial cannabis market in the United States, and
18 STIIIZY dominates the California market for cannabis vapes. STIIIZY—pronounced “steezy,” a
19 name derived from the California slang word “steez,” meaning a combination of style and ease—
20 markets its cannabis strains, vaping devices, and other cannabis paraphernalia using flavors named
21 for fruits/candy, conventionally attractive, youthful female models, and campaigns tied to
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23 ⁵ *See Id.*

24 ⁶ *Cannabis Potency Data*, National Institute on Drug Abuse,
25 <https://nida.nih.gov/research/research-data-measures-resources/cannabis-potency-data>.

26 ⁷ Mark A. Prince & Bradley T. Conner, *Examining links between cannabis potency and mental*
27 *and physical health outcomes*, 115 *Behavior Research & Therapy* 111-120 (Apr. 2019),
<https://www.sciencedirect.com/science/article/abs/pii/S0005796718301803>.

28 ⁸ Ruby S. Grewal & Tony P. George, *Cannabis-Induced Psychosis: A Review*, 34 *Psychiatric*
Times 7 (July 2017), [https://www.psychiatristimes.com/view/cannabis-induced-psychosis-](https://www.psychiatristimes.com/view/cannabis-induced-psychosis-review)
[review](https://www.psychiatristimes.com/view/cannabis-induced-psychosis-review).

1 celebrities and musical artists. Instead of warning of the dangers posed by its high-potency
2 cannabis and vapes, STIIIZY markets its products as medicine for angst and anxiety. The photos
3 below from STIIIZY’s website show the vapes themselves (for example, in a military-like
4 camouflage print), sold under various names evocative of sweets (including “birthday cake”), and
5 an example of STIIIZY’s youth-oriented marketing (in which a young woman wearing a cropped
6 tank top with a Playboy rabbit logo sucks on a lollypop while leaning on a shelf in a gas station
7 convenience store):



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14 10. Teenagers unsurprisingly find this kind of marketing—bright colors, products
15 named for sweets, aspirational imagery, and sexualized marketing—attractive. STIIIZY
16 capitalizes on that attraction, promoting their cannabis products as critical components of a trendy
17 lifestyle while hiding the risks of using powerful vaping technology to ingest endless, high-potency
18 hits of THC. The result is an increase in CIP experienced by teenagers, whose symptoms have
19 presented as paranoia, delusions, and hallucinations, sometimes including violent threats and
20 behavior to themselves, their friends, or their own families. For those who are affected, youth CIP
21 has fundamentally altered their lives, put enormous strain on their families, and cost hundreds of
22 thousands of dollars as their loved ones attempt to pick up the pieces and pay for the ongoing care
23 and rehabilitation needed to address the long-term impacts of CIP.

24 **PARTIES**

25 11. Plaintiff JOHN DOE is a competent adult and resident of Marin, California. The
26 events giving rise to this lawsuit occurred when he was a minor. Plaintiff, who is still in high school,
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1 desires to prosecute this case anonymously to protect his right to privacy—in particular, private
2 health information—as guaranteed by Article 1 of the California State Constitution.⁹

3 12. Defendant STIIIZY INC. is a Delaware corporation with its principal place of
4 business in Los Angeles, California. Additionally, STIIIZY INC. has done business under the
5 name SHRYNE GROUP, INC., which was originally a California corporation.

6 13. Defendant STIIIZY IP, LLC is a limited liability company organized and existing
7 under the laws of the State of California, with its principal place of business in Los Angeles,
8 California.

9 14. Plaintiff is informed and believes that at all times mentioned in this Complaint,
10 certain of the Defendants DOE are the successors in interest to each of the remaining Defendants
11 and, on that basis, are liable for any act, or omission of said Defendants alleged in this Complaint.

12 15. The true names or capacities, whether individual, corporate, partnership, joint
13 venture, or otherwise of Defendants DOE 1-20, inclusive, are unknown to Plaintiff who therefore
14 sues said Defendants by such fictitious names.

15 16. Each of the Defendants named as a DOE is legally responsible in some manner for
16 the events and happenings herein referred to, and legally caused injury and damage to Plaintiff as
17 alleged in this Complaint. Plaintiff prays leave to amend this Complaint when their true names
18 have been ascertained.

19 17. At all times mentioned in this Complaint, Defendants, and each of them, were the
20 agents and employees of the remaining Defendants. They were at all times acting within the
21 purpose and scope of that agency and employment.

22 **JURISDICTION AND VENUE**

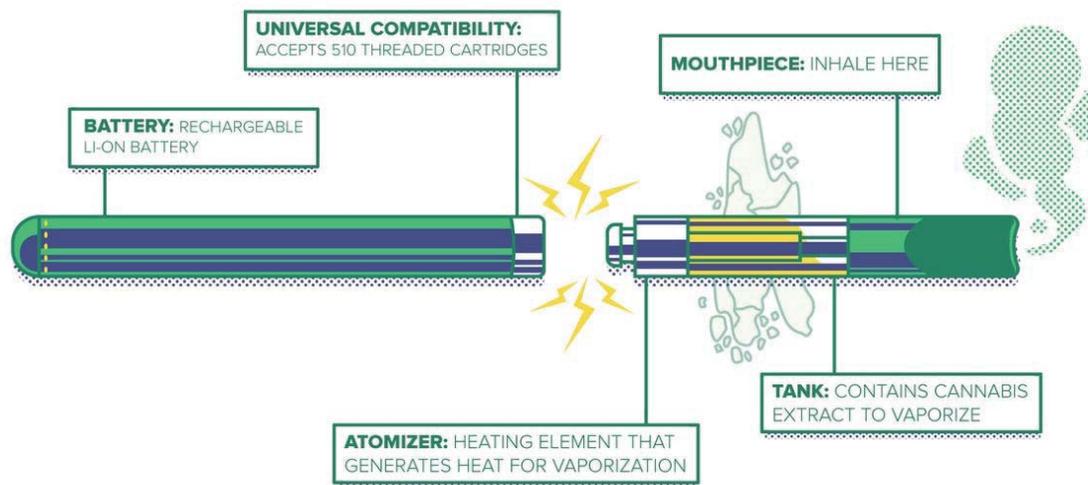
23 18. The Court has subject matter jurisdiction over this action because it exceeds thirty-
24 five thousand dollars (\$35,000.00), exclusive of costs and fees.

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28 ⁹ See *Starbucks Corp. v. Superior Court*, 168 Cal.App.4th 1436, 1452, n.7 (2008) (noting in dicta that “[t]he judicial use of ‘Doe plaintiffs’ to protect legitimate privacy rights has gained wide currency, particularly given the rapidity and ubiquity of disclosures over the World Wide Web.”).

1 grew more lucrative, the race to capture the cannabis vaping market with a differentiated product
2 heated up.¹¹

3 24. On April 30, 2024, media outlets reported that the Drug Enforcement
4 Administration (DEA) planned to reclassify cannabis from Schedule I to Schedule III under the
5 Controlled Substances Act (CSA). This change would relax restrictions on the cannabis industry—
6 for example, allowing cannabis retailers to deduct business expenses on federal tax filings¹²—while
7 also removing certain barriers for medical research and scientists to study its effects.¹³ The race to
8 saturate the market with marijuana products can only be expected to intensify.

9 25. A cannabis vape is a device that increases the temperature of cannabis, either in dry



19 form, concentrate, or oil, until the THC can be transmitted without burning. The user inhales the
20 cannabis vapor from one end of the vape through the mouth and into their lungs. The vapor emitted

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25 ¹¹ Chris Morris, *Vaporizer industry takes a page from Apple's book*, CNBC (Apr. 20, 2017),
<https://www.cnbc.com/2017/04/20/vaporizer-industry-takes-a-page-from-apples-book.html>.

26 ¹² *Legal Consequences of Rescheduling Marijuana*, Congressional Research Service (May 1,
27 2024), <https://crsreports.congress.gov/product/pdf/LSB/LSB11105>.

28 ¹³ Rhitu Chatterjee, *Scientists welcome new rules on marijuana, but research will still face
obstacles*, NPR (May 3, 2024), [https://www.npr.org/sections/health-
shots/2024/05/03/1248985559/marijuana-weed-schedule-i-iii-research-barriers](https://www.npr.org/sections/health-shots/2024/05/03/1248985559/marijuana-weed-schedule-i-iii-research-barriers).

1 by a cannabis vape is far less visually noticeable and odorous than smoke from a traditional joint
2 or other smoking device (such as a pipe or bong). Below is the design of a simple vape.¹⁴

3 26. There are a wide variety of electronic vaping devices on the market, including
4 disposable and reusable models. Reusable vapes are refilled with cannabis-containing cartridges
5 or refillable containers. Generally, the liquid cannabis oil used in cannabis vapes contains
6 cannabinoids such as delta-9-tetrahydrocannabinol (delta-9-THC), delta-8-THC (sold at
7 convenience stores and gas stations), and cannabidiol (CBD), along with flavorings and additives
8 such as propylene glycol and vegetable glycerin.¹⁵

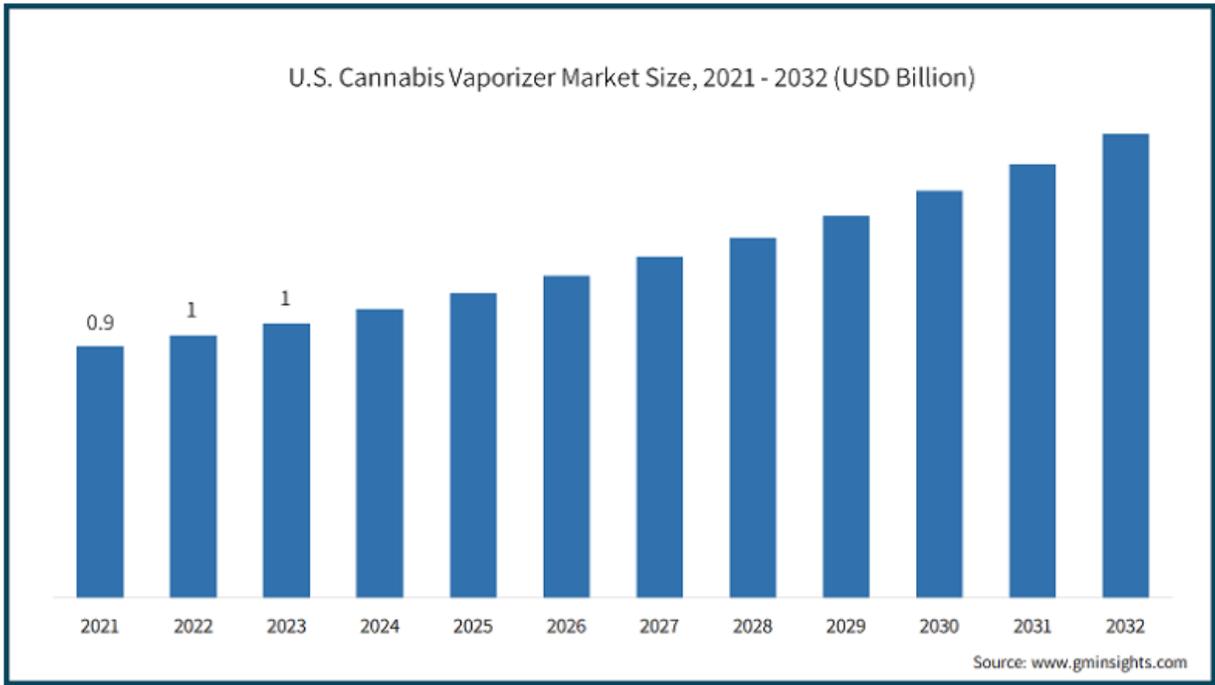
9 27. The growth of the overall U.S. cannabis market continues on an upward trajectory.
10 Industry website Statista estimates that revenue is expected to reach \$42.98 billion in 2024, with
11 an estimated market volume of \$49.56 billion by the end of 2029.¹⁶ The size of the U.S. cannabis
12 vape market is also growing, which Global Market Insights estimated at roughly \$1 billion now
13 with steady growth over time, per the figure below:¹⁷

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23 ¹⁴ Xiomara Blanco, *Vape pens: The highs and lows of weed vaporizers*, CNET (Sept. 6, 2017),
<https://www.cnet.com/tech/mobile/vape-pens-highs-and-lows-of-weed-vaporizers>.

24 ¹⁵ Sharma P, Mathews DB, Nguyen QA, Rossmann GL, A Patten C, Hammond CJ, *Old Dog,*
25 *New Tricks: A Review of Identifying and Addressing Youth Cannabis Vaping in the Pediatric*
26 *Clinical Setting*. Clin Med Insights Pediatr. 2023 Mar 25;17:11795565231162297. doi:
10.1177/11795565231162297, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10041590>.

27 ¹⁶ *Market Insights: Cannabis – United States*, STATISTA,
<https://www.statista.com/outlook/hmo/cannabis/united-states>.

28 ¹⁷ *Cannabis Vaporizer Market Size*, GMI, <https://www.gminsights.com/industry-analysis/cannabis-vaporizer-market>.

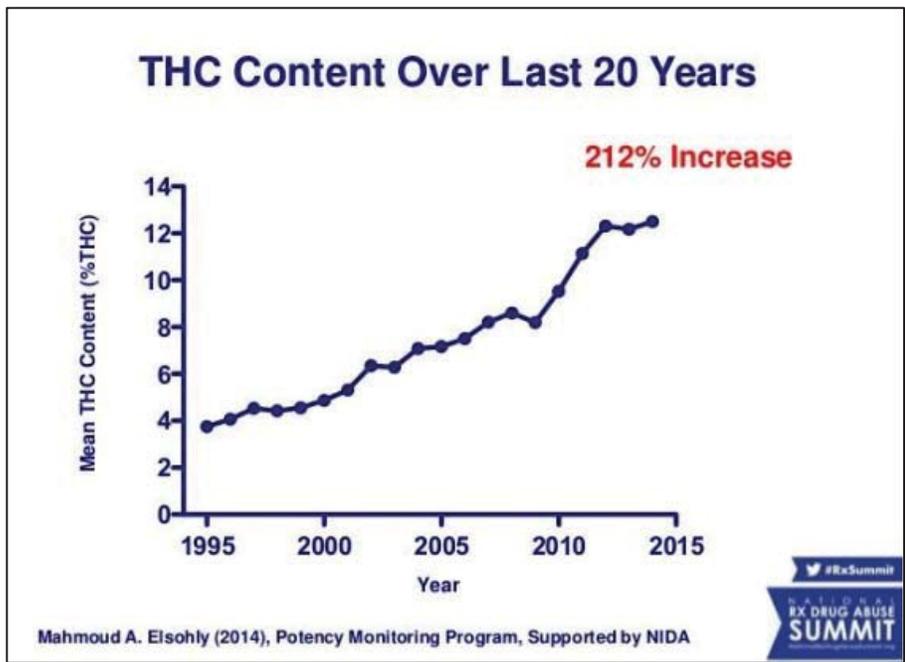


12 **II. Cannabis Is Growing More Potent.**

13 28. The THC potency of cannabis has increased over the past few decades. In the early
 14 1990s, cannabis had an average THC concentration of approximately 2-3%.¹⁸ Twenty years later,
 15 the average THC content of cannabis had more than doubled, reflecting a 212% increase through
 16 the year 2014, as illustrated below:
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18 ¹⁸ Libby Stuyt, M.D., *Problems with our High Potency THC Marijuana from the perspective of*
 19 *an Addiction Psychiatrist*, Colorado Substance Abuse Trend and Response Task Force (May 1,
 20 2020), [https://coag.gov/app/uploads/2020/08/Problems-with-our-High-Potency-THC-Marijuana-](https://coag.gov/app/uploads/2020/08/Problems-with-our-High-Potency-THC-Marijuana-4-1-20.pdf)
 21 [4-1-20.pdf](https://coag.gov/app/uploads/2020/08/Problems-with-our-High-Potency-THC-Marijuana-4-1-20.pdf).
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29. Now, especially in states like California where recreational and medical use of cannabis is legal, THC potency tends to be even higher, ranging from ~16% THC (for cannabis flower) to 95% THC (for concentrated cannabis products).

III. Use of High-Potency Cannabis Is Associated with Cannabis-Induced Psychosis.

30. Against the backdrop of the burgeoning cannabis vaping industry, the scientific and medical literature has found that cannabis use is associated with an array of unwanted health outcomes, from anxiety, depression, poor sleep hygiene, and lung damage,¹⁹ to disrupted cognitive functioning such as schizophrenia and psychosis.

31. Numerous lines of evidence suggest a correlation between cannabis consumption and a variety of psychiatric conditions, including cannabis-induced psychosis (CIP). DSM-5 categorizes cannabis-induced psychotic disorder as a substance-induced psychotic disorder. But there are distinguishing characteristics of CIP that differentiate it from other psychotic disorders such as schizophrenia. Clear features of CIP are sudden onset of mood lability and paranoid symptoms after use. CIP is commonly precipitated by a sudden increase in potency (e.g., percent

¹⁹ See Laura Bailey, *Vaping marijuana associated with more symptoms of lung damage than vaping or smoking nicotine*, Michigan News (Mar. 3, 2021), <https://news.umich.edu/vaping-marijuana-associated-with-more-symptoms-of-lung-damage-than-vaping-or-smoking-nicotine>.

1 of THC content or quantity of cannabis consumption). Specifically in youth, there is a direct
2 relationship between cannabis use and its risks.²⁰

3 32. The issue of high-potency cannabis is garnering more media attention as the
4 problem proliferates. Child psychiatrist and addiction specialist at the University of Colorado
5 School of Medicine in Denver Dr. Christian Thurstone explained, “We’re definitely seeing a rise
6 in cannabis-induced psychosis among teenagers.”²¹ Nora Volkow, director of the National Institute
7 on Drug Abuse, also observed: “Those who consume the highest doses are the ones that are going
8 to have the highest risk of becoming psychotic.”²² Indeed, according to Dr. Thurstone: “The studies
9 that we have so far clearly indicate that the risk for psychosis is dose dependent, meaning that the
10 more marijuana somebody’s exposed to especially in adolescence, the greater the risk of
11 developing psychosis, schizophrenia and severe mental illness.”²³ Research done thus far suggests
12 the same. The use of high-potency THC concentrates, like those found in vape pens, has been
13 observed to correlate with a higher incidence of mental and physical health problems, and also
14 leads to a higher risk of developing acute adverse effects, such as paranoia, psychosis, and cannabis
15 hyperemesis syndrome.²⁴

16 **IV. STIIIZY Is the Major Player in California’s Booming Cannabis Vaping Industry.**

17 33. Founded in Southern California in 2017, STIIIZY is a major player in the cannabis
18 vaping industry, especially in California.

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22 ²⁰ Ruby S. Grewal, *Cannabis-Induced Psychosis: A Review*, 34 *Psychiatric Times* 7,
<https://www.psychiatrictimes.com/view/cannabis-induced-psychosis-review>.

23 ²¹ Akshay Syal, M.D., Kate Snow, and Patrick Martin, *High-potency marijuana highlights the*
24 *risk of cannabis-induced psychiatric disorders*, NBC News (Apr. 4, 2024),
25 <https://www.nbcnews.com/health/mental-health/marijuana-induced-psychiatric-disorders-high-potency-weed-psychosis-rcna146072>.

26 ²² *Id.*

27 ²³ *Id.*

28 ²⁴ Mark A. Prince, Bradley T. Conner, *Examining links between cannabis potency and mental*
and physical health outcomes, 115 *Behavior Research & Therapy* 111-120 (Apr. 2019),
<https://pubmed.ncbi.nlm.nih.gov/30497655>.

1 34. STIIIZY is currently the best-selling cannabis brand in the United States, with over
2 \$25 million in monthly revenue largely derived from the sale of vapes. At present, all ten of the
3 best-selling vapes in California—the largest cannabis market in the United States—are STIIIZY’s.
4 STIIIZY generates significant revenue every month, much of it coming through its 32 California
5 retail locations, four of which are in San Francisco alone. And the company is growing.

6 35. STIIIZY’s products are popular. In March 2023, the *Cannabis Business Times*
7 reported that “45% of California vape consumers indicate they’ve purchased STIIIZY’s products,
8 and more than 90% of purchasers say they’d buy again.”²⁵ In 2022, STIIIZY’s vapes accounted
9 for about 65% of their sales, with the most popular design being the OG Pod.²⁶

10 36. A STIIIZY cannabis vape is a sleek, technologically sophisticated device designed
11 to make cannabis vaping simple and smooth. The device is comprised of a detachable, replaceable
12 pod containing high-potency cannabis oil, a ceramic coil, and a battery. The battery is both the
13 power source and the body of the device. STIIIZY makes its own proprietary pods and batteries.
14 When a user inhales, the coil heats the THC in the leak and burn-proof pod, and the user inhales
15 the vapor. An LED light automatically lights up while the user is inhaling from the device. STIIIZY
16 manufactures and sells a wide variety of types of THC pods for its devices, ranging from Original
17 THC Pods to Solventless Live Rosin Pods, which differ based on the way the cannabis oil is
18 prepared. Currently, STIIIZY sells most of its 0.5-gram THC Pods for \$18.00 each. The following
19 image of a 2018-era STIIIZY cannabis vape was featured on its homepage in 2018²⁷:
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25 ²⁵ Madeline Scanlon, “What the Cannabis Industry Can Learn From Top California Brands,”
26 *Cannabis Business Times* (Mar. 2023), <https://www.cannabisbusinesstimes.com/article/top-california-brands-stiizy-brightfield>.

27 ²⁶ *Stiizy - California’s #1 Cannabis Brand by Volume – Canna Cribs* at 24:25-24:40, CannaCribs
(Apr. 20, 2022), <https://www.youtube.com/watch?v=pedEAp-jzMw>.

28 ²⁷ <https://stiizy.com> (Aug. 22, 2018), available at
<https://web.archive.org/web/20180822065851/https://stiizy.com>.

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37. STIIIZY promotes its vapes as technologically superior to the competition: providing vapor that is more inhalable and more potent. STIIIZY’s Co-founder and CEO, James Kim, dubs himself a “known innovator in the space, credited with advancements in electronic cannabis oil delivery systems that has put the award winning STIIIZY brand ahead of its competitors.”

38. STIIIZY has competed successfully in the cannabis vaping market not only through its technology but also through its product design. STIIIZY designs and manufactures vapes in a wide variety of shapes, sizes, and colors, such that vapes look more like colorful pens, cell phones, and highlighters. For example, at approximately 4 inches tall, 3/4 inches wide, and 5/8 inches thick, STIIIZY’s “Starter Kit: Red Edition” (pictured below, in actual two-dimensional size) resembles a red highlighter:

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On another page,

STIIIZY features a group of STIIIZY vape pens in neon colors and asks: “What’s your favorite



color for a vape pen that lasts long and draws strong?”²⁸

²⁸ *Weed Pens, Pods, and Cartridges: What’s the Difference?*, STIIIZY (Sept. 16, 2022), <https://www.stiiizy.com/blogs/learn/weed-pens-pods-and-cartridges-whats-the-difference>.

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2 39. STIIIZY wants to be more than just a vape manufacturer. As its website declares:
3 “STIIIZY’s proprietary pod system has garnered a cult-like following since its launch and has
4 emerged as a leading lifestyle brand in cannabis.”²⁹ In addition to cannabis strains, vapes,
5 gummies, and other cannabis products, STIIIZY sells sweatshirts, hats, and stickers. STIIIZY
6 actively promotes itself as a lifestyle brand with the hashtag #STAYSTIIIZY through social media,
7 consumer advertising, and partnerships with, among other things, certain music artists, events, and
8 other stakeholders in the cannabis lifestyle ecosystem—all of it focused on youth.

9 **V. STIIIZY Aggressively Markets High-Potency THC Vapes to Youth.**

10 40. STIIIZY markets its Products as having anxiety-alleviating, virtually medicinal
11 properties. As STIIIZY’s current blog explains: “One of the most common reasons people use
12 cannabis is to relieve stress and anxiety. With the relaxed high, the worry fades.”³⁰ Early versions



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RECHARGE

PORTABLE AND DISCREET BATTERY,
MEDICATING ON THE GO HAS
NEVER BEEN EASIER.



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PEN

PORTABLE AND DISCREET BATTERY.
MEDICATING ON THE GO HAS NEVER
BEEN EASIER.

LEARN MORE

27 ²⁹ *What is STIIIZY?*, STIIIZY, <https://www.stiiizy.com>.

28 ³⁰ *Exploring the Spectrum: The Different Kinds of High*, STIIIZY (May 29, 2023),
<https://www.stiiizy.com/blogs/learn/exploring-the-spectrum-the-different-kinds-of-high>

1 of STIIIZY’s website promoted its rechargeable vapes³¹ and vape pens³² as providing users with
2 “medicating on the go.”

3 41. STIIIZY’s website promotes each of its cannabis strains in comprehensive profiles
4 that set out lengthy descriptions of a strain’s history, flavor profile, and effects. For users seeking
5 a “relaxed high,” STIIIZY recommends the Lava Cake strain: “A cross of thin Mint GSC x Grape
6 Pie, Lava Cake produces deep relaxation that eases your mind and body. It’s the perfect smoke for
7 after work or a lazy day off.”³³ STIIIZY describes its Dreamsicle strain as having “effects []
8 characterized by a boost in mental clarity and creativity, with a dreamy cerebral state and euphoria,
9 along with potential relief from chronic pain, headaches, depression and anxiety.”³⁴ The webpage
10 promoting Dreamsicle features a graphic with a marijuana leaf over an orange cream popsicle
11 against a starry, swirling sky.

12 42. As another example, STIIIZY’s profile of its hybrid strain “Pineapple Express”
13 includes a brightly colored, vaguely scientific-seeming infographic with a pineapple and dried



31 <https://stiiizy.com> (Aug. 22, 2018), accessible at <https://web.archive.org/web/20180822065851>.

32 <https://stiiizy.com> (May 13, 2019), accessible at <https://web.archive.org/web/20190513164835/https://stiiizy.com>.

33 *Exploring the Spectrum: The Different Kinds of High*, STIIIZY (May 29, 2023), <https://www.stiiizy.com/blogs/learn/exploring-the-spectrum-the-different-kinds-of-high>

34 *Dreamsicle Strain Guide*, STIIIZY (Mar. 14, 2024), <https://www.stiiizy.com/blogs/learn/dreamsicle-strain-guide>.

1 bunch of cannabis flower at the center, surrounded by statistics illustrating the flower’s THC
2 concentration (16%-25%), estimated duration of the high (2-4 hours), and descriptive language
3 such as: “CREATIVITY,” “RELAXING,” “UPLIFTING,” and “ENERGIZING.” The post touts
4 the strain’s ability to boost users’ “mood and creativity,” also noting that Pineapple Express is “a
5 popular choice among artists, writers, and anyone seeking a boost in their creative endeavors.”³⁵
6 The THC concentration of a Pineapple Express vape pod is approximately 91%.³⁶

7 43. “Pineapple Express,” “Lava Cake,” and “Dreamsicle” are not unusual names;
8 almost all of STIIIZY’s cannabis strains are named after or evoke fruit, desserts, or fruity
9 desserts—flavors plainly aimed at youth. For example, STIIIZY’s vapes currently feature indica
10 strains “Biscotti” and “Watermelon Z”; sativa strains “Orange Sunset,” “Strawberry Cough,” and
11 “Super Lemon Haze”; and hybrid strains “Apple Fritter,” “Pineapple Runtz,” and “Pink Acai.”³⁷
12 Biscotti is one of STIIIZY’s most potent strains; its flower has an average THC level of 20-25%,
13 and its vape pods have a THC concentration of approximately 92%.³⁸

14 44. THC potency is a strong selling point in the cannabis industry, and STIIIZY
15 aggressively promotes the high potency of its Products, boasting that STIIIZY strains “set the
16 standard for potency and purity.”³⁹ In a recent blog post, STIIIZY explains: “Top shelf weed is
17 distinguished typically by its exceptional quality, potency, and aroma.”⁴⁰ The post praises “THC
18 content and its effect” as “the cornerstone of cannabis efficacy,” and notes that: “Potency isn’t
19

20
21 ³⁵ *Pineapple Express Strain: Unraveling the Mysteries*, STIIIZY (Aug. 4, 2023),
22 <https://www.stiiizy.com/blogs/learn/unraveling-the-mysteries-of-pineapple-express-strain>.

23 ³⁶ *STIIIZY Pineapple Express Pod 1g*, Doobie Nights, <https://doobienights.com/products/stiiizy-stiiizy-pineapple-express-pod-1g-for-sale-santa-rosa-ca>.

24 ³⁷ *Id.*

25 ³⁸ *Biscotti Strain: Gourmet Cannabis*, STIIIZY (Feb. 1, 2023),
26 <https://www.stiiizy.com/blogs/learn/biscotti-strain>; *Biscotti*, Mankind Dispensary,
<https://mankindcannabis.com/shop/recreational-cannabis/products/30462/stiiizy-biscotti>.

27 ³⁹ *All In One THC Pens*, STIIIZY, <https://www.stiiizy.com/products/all-in-one-thc-pens> (last
28 accessed Apr. 29, 2024).

⁴⁰ *Top Shelf Weed: Quality, Potency, and Aroma*, STIIIZY (Mar. 28, 2024),
<https://www.stiiizy.com/blogs/learn/top-shelf-weed>.

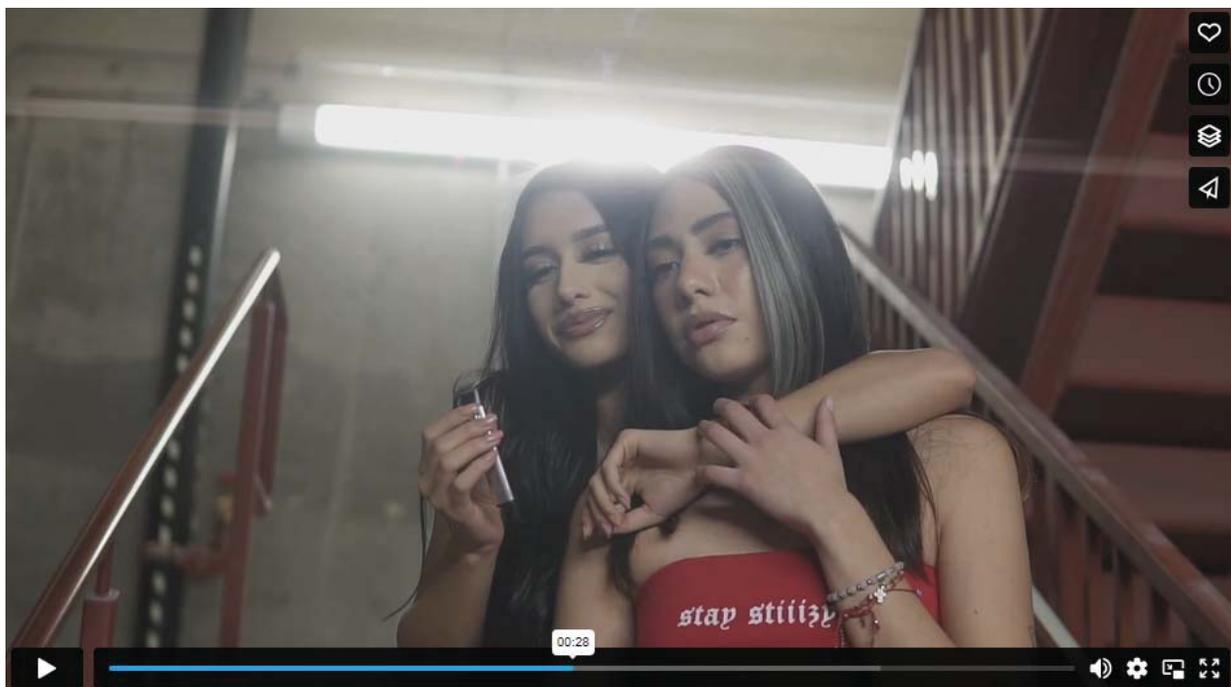
1 merely about the numbers; it's about the experience." In sum, according to STIIIZY, "Top shelf
2 cannabis, with its higher THC levels, promises an elevated experience that's sought after by both
3 recreational users and those in need of symptom relief." Nowhere in the post does STIIIZY warn
4 about the dangers of high-potency THC, especially to youth.

5 45. STIIIZY vapes transmit alarmingly potent THC as compared to cannabis flower
6 because the cannabis oil in a vape pod has a much higher THC concentration. As STIIIZY's blog
7 explains:

8 Many people swear by vapes because they pack quite the punch in
9 a small package. Cannabis oil is far more potent than regular
10 cannabis flower since it's far more concentrated. While bud usually
11 has an average of 25-35% THC, the oil in vapes can have anywhere
12 from 60-95% THC! Talk about a one-hit wonder.⁴¹

13 As noted above, STIIIZY's Biscotti strain pods have a 92% THC concentration; Pineapple Express
14 pods have a 91% concentration.

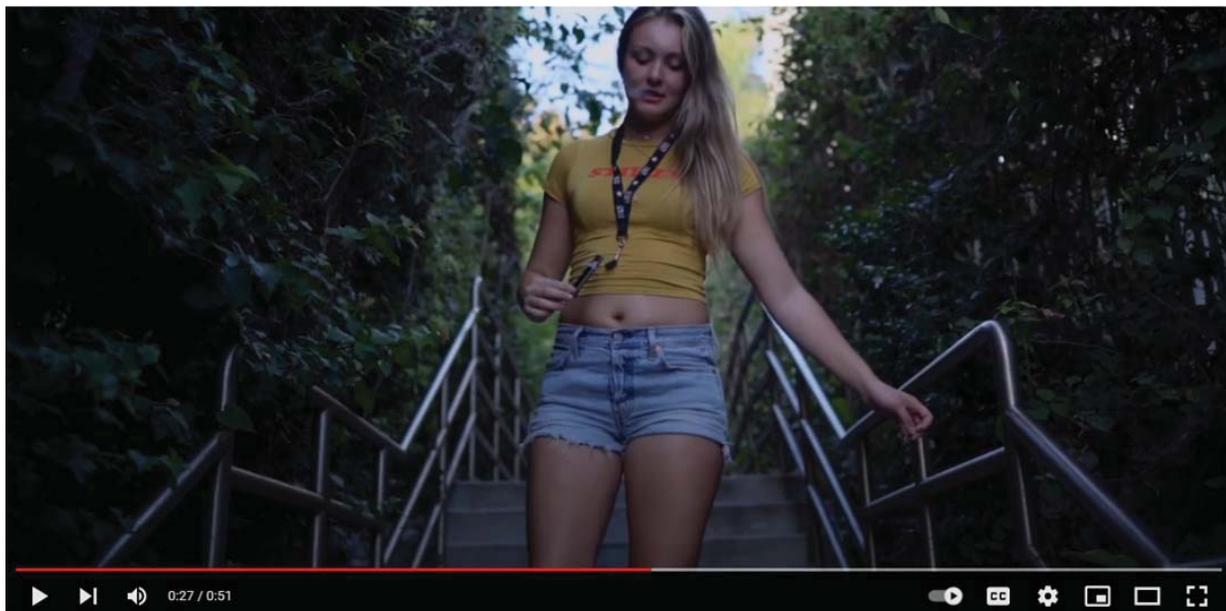
15 46. STIIIZY's marketing materials are further indicative of its focus on advertising to
16 youth. The screenshots below from STIIIZY's promotional videos showcase youth using STIIIZY



28 ⁴¹ *The Best Vape Pens for Cannabis*, STIIIZY (Oct. 20, 2022),
<https://www.stiiizy.com/blogs/learn/the-best-vape-pens-for-cannabis>.

1 vaping products while sucking on lollipops and sporting STIIIZY-branded clothing (featuring
2 slogan “stay stiiizy” in the first, and simply “STIIIZY” in the second), all while apparently hiding
3 in what appears to be where teenagers all too often use STIIIZY’s products: school stairwells.
4

5 Source: Vimeo⁴²



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15 Source: YouTube⁴³

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17 47. STIIIZY also actively cultivates and promotes its ties to celebrities and the music
18 industry, partnering with artists and events as part of its marketing efforts to promote itself as a
19 lifestyle brand. For example, the June 2021 opening of STIIIZY’s dispensary in Pomona,
20 California, featured rappers Xzibit and Too Short.⁴⁴ In March 2024, STIIIZY collaborated with
21 the four-day-long Rolling Loud California music festival to “blend[] the electrifying world of Hip
22 Hop with [STIIIZY’s] pioneering cannabis culture.”⁴⁵
23

24 ⁴² <https://vimeo.com/859558273>, at <https://www.stiiizy.com/collections/womens>

25 ⁴³ See <https://www.youtube.com/watch?v=FtkxJcYMAxo>.

26 ⁴⁴ *Xzibit & Too Short Make Appearance at STIIIZY Pomona Grand Opening*, STIIIZY (June 26,
27 2021), <https://www.stiiizy.com/blogs/learn/xzibit-too-short-make-appearance-at-stiiizy-pomona-grand-opening>.

28 ⁴⁵ *STIIIZY X Rolling Loud California '24*, STIIIZY (Mar. 14, 2024), <https://www.stiiizy.com/blogs/learn/rolling-loud-2024>.

1 48. As of May 9, 2024, the Warning Disclaimer section of STIIIZY’s FAQ webpage
2 was limited to the following⁴⁶:

3 MICHIGAN

- 4 • For use by individuals registered qualifying patients or individuals 21 years of age
5 or older only. Keep out of reach of children. It is illegal to drive a motor vehicle
6 while under the influence of marijuana. National Poison Control Center 1-800-
7 222-1222.
- 8 • WARNING: USE BY PREGNANT OR BREASTFEEDING WOMEN, OR BY
9 WOMEN PLANNING TO BECOME PREGNANT, MAY RESULT IN FETAL
10 INJURY, PRETERM BIRTH, LOW BIRTH WEIGHT, OR DEVELOPMENTAL
11 PROBLEMS FOR THE CHILD.

12 NEVADA

- 13 • For use only by adults 21 years of age or older. Keep out of reach of children.

14 The page does not include any warning related to California or any warning about psychosis.

15 49. To be sure, the bottom of every webpage on STIIIZY’s site warns—in exceedingly
16 small font—that its products are intended “For use by individuals, registered qualifying patients or
17 individuals 21 years of age or older only.” Again, there are no warnings about psychosis or the
18 risks STIIIZY’s products present to teenagers and youth.

19 50. Despite scientific evidence of the risk high-potency THC vapes pose to teenagers
20 and young adults, STIIIZY has engaged in a course of conduct aimed at inducing teenagers and
21 young adults to use its products. STIIIZY does not warn of the risk of psychosis and even conceals
22 the danger, in part, by marketing its offerings as mental health products for the anguished teen.
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28

⁴⁶ FAQ, STIIIZY, <https://www.stiizy.com/pages/faq>.

1 **VI. Plaintiff JOHN DOE Used STIIIZY Vapes and Developed CIP, with Lasting**
2 **Damage.**

3 51. Plaintiff is informed and believes, and thereon alleges, that Defendants were
4 engaged in the manufacturing, retailing, design, wholesaling, testing, advertising, promotion, and
5 distribution of cannabis vaping products, including cannabis vaping devices, cannabis e-liquid, and
6 cannabis cartridges (collectively, “cannabis Products” or “Products”).

7 52. In or about 2020-2022, Plaintiff was exposed to and saw advertising and messages
8 from Defendants, including on its website(s) and via social media. The plaintiff was unhappy at
9 school at that time and was experiencing stress and anxiety. He received “a menu” of STIIIZY
10 vaping products on his social media. The products promoted wellness and relaxation. The products
11 also endorsed reducing stress and anxiety. The plaintiff became curious by the representations and
12 did not find any harmful effects associated with the STIIIZY products. Plaintiff studied
13 Defendants’ website and representations, including statements of the type alleged herein, carefully
14 before using the Products. Based on these representations, Plaintiff believed that Defendants’
15 Products would provide him with some relief from his stress and anxiety and were not harmful.

16 53. In or around 2020-2022, at age 15, the plaintiff began using the high-potency THC
17 vape Products manufactured, retailed, designed, wholesaled, tested, advertised, promoted, and
18 distributed by Defendants.

19 54. At the time that Plaintiff began vaping Defendants’ Products, he was enrolled at a
20 prestigious school in Marin County where he was an athlete and boasted a 4.6 GPA.

21 55. Vaping was commonplace at Plaintiff’s school and among teenagers in his
22 community. Over the ensuing year, Plaintiff continued to vape Defendants’ Products, increasing in
23 frequency. Plaintiff went from using STIIIZY vape products socially with friends a few times a
24 week, which increased to Plaintiff vaping each morning, and ultimately Plaintiff vaping
25 Defendants’ products multiple times per day. “Menus” of Defendants’ high potency THC vapes
26 were advertised over Snapchat, which is how Plaintiff obtained Defendants’ Products. Plaintiff
27 chose STIIIZY products because they were sleek, and the designs were cool and sophisticated. The
28 flavors and strains optimized the sensory experience, and he believed the cannabis dulled his

1 sadness and helped with his anxiety and stress. Plaintiff also chose STIIIZY for ease of use with a
2 disposable pod system and reusable battery.

3 56. In the Summer of 2022, John Doe went on a family vacation where he did not use
4 any THC products for approximately one month. Upon his return, in and around August 19, 2022,
5 Plaintiff resumed his habit of vaping STIIIZY THC products and immediately began demonstrating
6 erratic behavior and ultimately, signs of psychosis.

7 57. On Monday, August 22, 2022, Plaintiff was at home before school when he had a
8 violent outburst in which he put a knife to his neck during a belligerent rant of delusional thoughts
9 including hacking movements with the knife where he was demonstrating killing himself in front
10 of his parents and younger brother. Plaintiff's dad wrestled him to the ground to forcibly remove
11 the knife while his mother called 911, and the local police arrived at Plaintiff's home shortly
12 thereafter. Plaintiff was exhibiting such psychotic symptoms at the time that police were unable
13 to conduct an interview with him. Instead, police had no choice but to handcuff Plaintiff and take
14 him directly to the psychiatric ward at Marin General Hospital. Plaintiff was involuntarily detained
15 on a 72-hour psychiatric hold under California Welfare and Institutions Code § 5150 after testing
16 positive for extremely high levels of THC.

17 58. Plaintiff's parents first heard the term "cannabis induced psychosis" from the
18 psychiatrists at Marin General who were treating their son. Approximately 5-6 hours into
19 Plaintiff's 72-hour psychiatric hold, and in fear of voices he was hearing in the room and fear that
20 the Doctors and nursing staff at the hospital were trying to kill him, Plaintiff incredulously removed
21 the window from its framing in his private psych ward hospital room and jumped outside. Plaintiff,
22 half-naked with no shoes ran a quarter of a mile, barefoot, to his previous high school. It was not
23 until Plaintiff's parents received a call from the school's principal that they became aware that
24 Plaintiff had escaped from the psychiatric ward. Plaintiff's former principal told Plaintiff's parents
25 that Plaintiff was in his office saying that there were aliens trying to murder him. Police responded
26 to Plaintiff's former school and returned Plaintiff to the psychiatric ward at Marin General Hospital,
27 where Plaintiff was described by his medical team as "quite psychotic, delusional, [and] paranoid
28 at this time," and that Plaintiff's condition was "consistent with cannabis-induced psychosis."

1 65. Defendants knew or should have known through the exercise of reasonable care,
2 that minors and young people would be attracted to Defendants' Products.

3 66. Defendants knew or should have known through the exercise of reasonable care,
4 that use of their Products was dangerous, harmful, and injurious when used by Plaintiff in a
5 reasonably foreseeable manner, particularly with minors and young people.

6 67. Defendants knew or should have known through the exercise of reasonable care,
7 that ordinary consumers such as Plaintiff would not have realized the potential risks and dangers
8 of their Products.

9 68. Defendants knew, or should have known, that their Products could cause serious
10 risk of harm, particularly to minors and young people.

11 69. Defendants, as designers, manufacturers, retailers, wholesalers, suppliers, and
12 distributors of cannabis vaping devices, cannabis e-liquid, and cannabis cartridges, were negligent
13 in carrying out the manufacturing, retailing, design, wholesaling, testing, advertising, promotion,
14 and distribution of these Products; failed to take the care and duty owed to Plaintiff; and thereby
15 caused Plaintiff to suffer harm.

16 70. Defendants' negligence proximately caused the defects inherent in their Products.
17 As a result, Plaintiff now suffers from the continuing likelihood of medical and psychological
18 problems as described herein.

19 71. As a proximate result of Defendants' negligence, Plaintiff JOHN DOE was required
20 to employ clinicians to examine, treat, and care for him, and he incurred medical, hospital,
21 pharmaceutical, and incidental and consequential expenses. Plaintiff will continue to incur such
22 medical, hospital, pharmaceutical, and incidental and consequential expenses in the future. The
23 amounts of these past and future economic damages are presently unknown with certainty but
24 exceed the minimum jurisdiction of this Court.

25 72. As a proximate result of Defendants' negligence, Plaintiff JOHN DOE sustained
26 shock and injury to his nervous system and person. The injuries have caused and continue to cause
27 him great mental, physical, and nervous pain and suffering. These injuries will result in permanent
28

1 disability. The amounts of these past and future noneconomic damages are presently unknown with
2 certainty but exceed the minimum jurisdiction of this Court.

3 **SECOND CAUSE OF ACTION**

4 **Strict Products Liability – Failure to Warn**

5 73. Plaintiff repeats, reiterates, and realleges each and every allegation of this
6 Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect
7 as if fully set forth herein.

8 74. At all relevant times, Defendants named herein designed, manufactured, assembled,
9 inspected, tested (or not), packaged, labeled, marketed, advertised, promoted, supplied, distributed,
10 and/or sold the Products that Plaintiff used.

11 75. The Products that Plaintiff used had potential risks that were known or knowable in
12 light of the scientific and medical knowledge that was generally accepted in the scientific
13 community at the time of manufacture, distribution, or sale.

14 76. The potential risks presented a substantial danger when the Products were used or
15 misused in an intended or reasonably foreseeable way.

16 77. The ordinary consumer of the Products would not have recognized the potential
17 risks.

18 78. STIIIZY and DOES 1-20 failed to adequately warn or instruct of the potential risks,
19 including but not limited to that the Products are not safe for anyone under 21 years of age and may
20 cause CIP. Instead, STIIIZY and DOES 1-20 made their Products available in youth-friendly
21 colors and flavors. STIIIZY and DOES 1-20 also designed their Products to be more palatable to
22 youth and non-users of cannabis by increasing their vapes' inhale-ability and THC concentration,
23 making them even more dangerous.

24 79. The Products were expected to, and did in fact, reach Plaintiff, and were thereafter
25 used without substantial change in the condition in which they were sold.

26 80. As a result of STIIIZY and DOES' 1-20 failures to adequately warn and/or instruct,
27 Plaintiff was harmed as described herein.

28

1 a. Defendants disclosed some facts to Plaintiff about the nature and safety of
2 their Products but intentionally failed to disclose other facts, making the
3 disclosure they did make misleading or deceptive;

4 b. Defendants intentionally failed to disclose certain facts about the nature and
5 safety of their Products that were known only to Defendants and which
6 Defendants knew that Plaintiff could not have known or reasonably
7 discovered.

8 108. At all times relevant, Defendants fraudulently and deceptively sold or partnered to
9 sell their Products to Plaintiff as safe or not harmful when Defendants knew it to be untrue.

10 109. Defendants fraudulently and deceptively downplayed or minimized any risk
11 associated with cannabis vaping generally and their Products in particular for young persons under
12 age 26. At all relevant times, Defendants represented their Products on their website as a better
13 choice. Defendants pitched investors by claiming that their Products were not harmful. Defendants
14 worked together to pitch news stories or other media content designed to downplay the risks of
15 cannabis vaping, suggesting that any concern was overblown. These tactics mimic those used by
16 the tobacco industry to sow seeds of doubt and confusion among the public, to initiate new users,
17 to keep customers buying Defendants' products, and to avoid regulation or legislative efforts to
18 control sales.

19 110. Defendants failed to disclose to Plaintiff that their Products can cause psychosis and
20 other adverse health effects.

21 111. Defendants failed to disclose that they had not adequately researched or tested their
22 Products to assess their safety before placing them on the market and promoting them to young
23 people under age 26.

24 112. Defendants manipulated the formulations of their Products in ways that could and
25 would impact their danger to Plaintiff, and Defendants did so without notifying Plaintiff of the
26 risks.

27 113. Each of these misrepresentations and omissions were material at the time they were
28 made. In particular, each of the misrepresentations and omissions concerned material facts that

1 were essential to the analysis undertaken by Plaintiff as to whether to purchase or consume the
2 Products.

3 114. Plaintiff did not know of the facts that Defendant concealed.

4 115. Defendants intended to deceive Plaintiff and the public by concealing these facts.

5 116. Defendants had a duty to accurately provide this information to Plaintiff. In not so
6 informing Plaintiff, Defendants breached their duty. Defendants also gained financially from, and
7 as a result of, their breach.

8 117. Defendants had ample opportunities to disclose these facts to Plaintiff, through
9 packaging, advertising, retail outlets, on its website, via emails to Plaintiff, and on social media.
10 Defendants concealed material information at all relevant times, through today. Defendants have
11 yet to disclose the truth about their products.

12 118. Plaintiff relied to his detriment on Defendants' fraudulent omissions. Had Plaintiff
13 been adequately informed of the material facts concealed from him regarding the safety of
14 Defendants' products, and not intentionally deceived by Defendants, Plaintiff would not have
15 purchased or used Defendants' Products.

16 119. As a result of their injuries caused by Defendants, Plaintiff has incurred and will
17 incur significant medical expenses, pain and suffering, and emotional distress.

18 120. Defendants' fraudulent concealment was a substantial factor in Plaintiff's harm as
19 described herein. Plaintiff also suffered economic harm in that he would not have purchased the
20 Products if he had known the true facts.

21 **SIXTH CAUSE OF ACTION**

22 **Breach of Implied Warranty**

23 121. Plaintiff repeats, reiterates, and realleges each and every allegation of this
24 Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect
25 as if fully set forth herein.

26 122. At all relevant times, Defendants designed, manufactured, distributed, packaged,
27 compounded, merchandised, advertised, promoted, supplied, and/or sold their Products into the
28

1 stream of commerce, and therefore owed a duty of reasonable care to avoid causing harm to those
2 that consumed their Products, such as Plaintiff.

3 123. Defendants were at all times merchants with respect to their Products sold to
4 Plaintiff and were in the business of selling such Products.

5 124. Each Product sold comes with an implied warranty that it will be merchantable and
6 fit for the ordinary purpose for which it would be used.

7 125. The ordinary intended purposes of Defendants' Products—and the purpose for
8 which they are marketed, promoted, and sold—is to serve as a safe means of alleviating anxiety,
9 promoting relaxation, stimulating creativity, or a similar purpose.

10 126. Defendants' Products are not fit for that use—or any other use—because they
11 feature an unreasonably potent THC-delivery mechanism and pose significant risks of substantial
12 physical injury resulting from the use of the Products. When used as intended or reasonably
13 foreseeable, Defendants' Products worsen or aggravate users' underlying dependence on THC and
14 can cause psychosis.

15 127. Due to these and other features, Defendants' Products are not fit for their ordinary,
16 intended use as either anxiety-reducing devices or recreational cannabis-vaping devices, and the
17 Products are in fact defective and fail to conform to Defendants' implied warranties.

18 128. Defendants' breached their implied warranties in violation of California
19 Commercial Code § 2314 et seq.

20 129. Plaintiff was a third-party beneficiary of Defendants' agreements with their
21 distributors, dealers, and sellers for the distribution, dealing, and/or sale of their Products to
22 consumers. Specifically, Plaintiff is the intended beneficiary of Defendants' implied warranties.
23 Defendants' Products are manufactured with the express purpose and intent of being sold to
24 consumers.

25 130. Plaintiff would not have used or purchased Defendants' Products, or would not have
26 purchased the products on the same terms, had he known the facts which these Defendants failed
27 to disclose.

28

1 131. Defendants' breach of these warranties was a substantial factor in causing Plaintiff's
2 harm.

3 132. Plaintiff was injured as a direct and proximate result of Defendants' breach of
4 implied warranties of merchantability. Plaintiff has been harmed by Defendants' failure to deliver
5 merchantable products. The products were not in merchantable condition and were unfit because,
6 in ordinary use, they create high-potency THC exposure and can cause psychosis and other
7 negative health consequences.

8 133. As a result of his injuries caused by Defendants, Plaintiff has incurred and will incur
9 significant medical expenses, pain and suffering, and emotional distress.

10 134. As a direct and proximate result of the willful, wanton, maliciously motivated
11 and/or reckless conduct of Defendants, Plaintiff sustained damages as set forth above.
12 Accordingly, Plaintiff seeks and is entitled to punitive damages in an amount to be determined at
13 trial.

14 NINTH CAUSE OF ACTION

15 Fraud

16 135. Plaintiff repeats, reiterates, and realleges each and every allegation of this
17 Complaint contained in each of the foregoing paragraphs inclusive, with the same force and effect
18 as if more fully set forth herein.

19 136. At all relevant times, Defendants named herein designed, manufactured, assembled,
20 inspected, tested (or not), packaged, labeled, marketed, advertised, promoted, supplied, distributed,
21 and/or sold and/or otherwise placed their Products into the stream of commerce, and therefore owed
22 a duty of reasonable care to avoid causing harm to those that consumed their Products.

23 137. Plaintiff is informed and believes, and thereon alleges, that Defendants falsely and
24 fraudulently represented to Plaintiff and members of the general public that their Products were
25 safe for use. The representations by Defendants were in fact false. Contrary to Defendants'
26 representations, their Products were not safe for use by members of the general public and were,
27 in fact, extremely dangerous to consumers.

28

1 138. Defendants made other representations about the safety of their Products, including,
2 but not limited to, the false, deceptive, misleading, and untruthful advertisements, public
3 statements, marketing campaigns, and promotions alleged herein. Defendants intentionally
4 deceived Plaintiff with regard to the safety of their Products.

5 139. Defendants intentionally misrepresented the safety of their Products in their
6 advertising, representing in that advertising that their Products were safe for use, and concealed in
7 the advertising the known risks and side effects of their Products.

8 140. When Defendants made these representations, they knew that such representations
9 were false. Defendants made the representations with the intent to defraud and deceive Plaintiff,
10 consumers, and the public in general, and with the intent to induce them to use their Products in
11 the manner alleged in this Complaint.

12 141. Plaintiff took the actions alleged in this Complaint, while ignorant of the falsity of
13 Defendants' representations in their advertising, and reasonably believed them to be true. In
14 reliance upon such representations, Plaintiff was induced to, and did, use the Products as alleged
15 in this Complaint. If Plaintiff had known the actual facts, Plaintiff would not have used the
16 Products, and his reliance upon Defendants' misrepresentations was justified because such
17 misrepresentations were made and conducted by individuals and entities that were in a position to
18 know the true facts.

19 142. As alleged, Defendants worked in concert to maintain and expand the number of
20 cannabis-vape users to ensure a steady and growing customer base. Defendants sought to
21 accomplish this objective by (1) designing a product that delivered THC in a manner and in doses
22 that were intended to induce frequent, habitual use; (2) fraudulently marketing, advertising,
23 promoting, and misbranding that potent product to consumers, including the vulnerable youth
24 market; and (3) defrauding regulators and the public to advance their interests.

25 143. Defendants' fraud and deceit was a substantial factor in causing Plaintiff's harm as
26 alleged herein.

27 144. As a result of his injuries caused by Defendants, Plaintiff has incurred and will incur
28 significant medical expenses, pain and suffering, and emotional distress.

1 they continued to market the products by providing false and misleading information regarding the
2 safety and efficacy of their products.

3 150. Defendants' actions described above were performed willfully, intentionally, and
4 with reckless disregard for the rights of Plaintiff and the public.

5 151. As a direct and proximate result of the willful, wanton, evil, motivated, and/or
6 reckless conduct of Defendants, Plaintiff sustained damages as set forth above. Accordingly,
7 Plaintiff seeks and is entitled to punitive damages in an amount to be determined at trial.

8 **TIMELINESS AND TOLLING OF STATUTES OF LIMITATIONS**

9 152. Through the exercise of reasonable diligence, Plaintiff did not and could not have
10 discovered that Defendants' wrongful conduct related to their Products caused his injuries and/or
11 sequelae thereto because, at the time of these injuries and/or sequelae thereto, the cause was
12 unknown to Plaintiff.

13 153. Plaintiff did not suspect and had no reason to suspect that Defendants' wrongful
14 conduct related to its Products caused his injuries and/or sequelae thereto until less than the
15 applicable limitations period prior to the filing of this action.

16 154. In addition, Defendants' fraudulent concealment has tolled the running of any
17 statute of limitations. Through their affirmative misrepresentations and omissions, Defendants
18 actively concealed from Plaintiff the risks associated with the defects of their products and that
19 these products caused Plaintiff's injuries and/or sequelae thereto. Through their ongoing
20 affirmative misrepresentations and omissions, Defendants committed continual tortious and
21 fraudulent acts.

22 155. As a result of Defendants' fraudulent concealment, Plaintiff was unaware and could
23 not have reasonably known or learned through reasonable diligence that he had been exposed to
24 the defects and risks alleged herein and that those defects and risks were the direct and proximate
25 result of Defendants' acts and omissions.

26 **PRAYER FOR RELIEF**

27 WHEREFORE, Plaintiff JOHN DOE demands judgment against the Defendants on each
28 of the above-referenced claims and Causes of Action and as follows:

DEMAND FOR JURY TRIAL

Plaintiff JOHN DOE demands a jury trial on every cause of action set forth in this Complaint.

DATED: May 29, 2024

ROUDA, FEDER, TIETJEN, and McGUINN

By: Jane P. Bashant
Jane P. Bashant

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