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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTOPHER GOOD, individually, and  
as Administrator of the Estate of RYLIE  
GOOD, deceased, and ELISA GOOD,  
individually,

Plaintiffs,

v.

AMAZON.COM SERVICES LLC, a  
Delaware Limited Liability Company, and  
AMAZON.COM, INC., a Delaware  
Corporation,

Defendants.

CASE NO.

**COMPLAINT**

**DEMAND FOR JURY TRIAL**

COMES NOW CHRISTOPHER GOOD, individually and as Administrator of the  
Estate of RYLIE GOOD, and ELISA GOOD, individually (together, "Plaintiff"), by and  
through the undersigned counsel, and for Plaintiff's causes of action against Defendants  
Amazon.com Services LLC and Amazon.com, Inc. (collectively "Amazon" or "Defendants")  
state as follows:

1 **I. INTRODUCTION**

2 1. This action arises from the Defendants’ wrongful conduct in connection with  
3 the marketing and online sale of nitrous oxide products for recreational use as an intoxicant.  
4 Although known to be dangerous when inhaled, Defendants knowingly distributed,  
5 marketed, promoted and sold canisters of nitrous oxide that invite and enable recreational use  
6 as an inhalant while maintaining only the thinnest pretext that the product is a culinary aid  
7 intended for making whipped cream.  
8

9 2. The facade that Defendants are selling nitrous oxide to chefs bears little  
10 resemblance to reality. Although nitrous oxide canisters may state (usually in relatively small  
11 type) that the product is for “food purposes” and not to be inhaled, every aspect of  
12 Defendants’ marketing and Amazon’s online presentation of nitrous oxide products is  
13 designed to override that warning and attract illicit recreational users. Defendants are  
14 offering nitrous oxide in giant canisters (hundreds of times the size of the typical 8g chargers  
15 used in whipped cream dispensers) that are ideal for repeated inhalation but implausible for  
16 baking. Their nitrous oxide products bear edgy names and bright colors that nod toward drug  
17 culture, not the food industry. The nitrous oxide is also pre-flavored as “blue raspberry” or  
18 “vanilla cupcake” to increase its appeal as an inhalant—despite making it less suitable for  
19 actual food preparations. Defendants’ nitrous oxide products are accompanied by, or  
20 promoted alongside, nozzles, masks, balloons and other paraphernalia that aid inhalation of  
21 the gas but serve no legitimate kitchen-related purpose. In the face of relentless signaling that  
22 nitrous oxide inhalation is safe, fun, and pleasurable, Defendants know (and profit from) the  
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1 fact that the nitrous oxide products’ minimal warnings are wholly deficient to convey the  
2 products’ true dangers.

3 3. Defendants are aware that customers are buying nitrous oxide canisters for  
4 use as a recreational drug. Amazon has built its business upon surveillance and analysis of  
5 customers’ purchasing activities. Although Amazon uses such information to manipulate  
6 customer behavior to increase profits, it has failed to take reasonable steps – such as limiting  
7 purchases, removing products, or sending warning information – when the volume and  
8 frequency of customers’ nitrous oxide purchases clearly indicate that those products were  
9 being purchased for dangerous recreational inhalation rather than culinary use.  
10

11 4. Defendants also sell numerous devices that promote recreational inhalation  
12 of nitrous oxide, including but not limited to nozzles used to transfer the nitrous oxide from  
13 the pressurized tank or cannister directly into the mouth, face masks similar to those used to  
14 deliver oxygen, hoses and pressure regulator gauges for nitrous delivery from cannisters or  
15 tanks and portable nitrous oxide cases.  
16

17 5. The ready online availability of nitrous oxide products has caused an  
18 explosion in recreational nitrous oxide use that researchers describe as a “public health  
19 crisis.”<sup>1</sup> Deaths attributed to nitrous oxide spiked by more than 500% between 2010 and  
20 2023.<sup>2</sup> Emergency room visits for nitrous oxide misuse have also risen dramatically. One  
21 researcher has commented “[w]ithout any type of regulatory intervention, deaths and  
22

23  
24  
25 <sup>1</sup> Yockey, Andrew, *Americans are Using Laughing Gas as a Drug. Here are the Dangers*. Real Clear  
26 Science (May 13, 2025), available at:  
[https://www.realclearscience.com/articles/2025/05/13/americans\\_are\\_using\\_laughing\\_gas\\_as\\_a\\_drug\\_here\\_are\\_the\\_dangers\\_1109815.html](https://www.realclearscience.com/articles/2025/05/13/americans_are_using_laughing_gas_as_a_drug_here_are_the_dangers_1109815.html).

1 poisonings from nitrous oxide will increase at an accelerating rate and become a tremendous  
2 public health issue.”<sup>3</sup>

3 6. Defendants have capitalized on the nitrous oxide epidemic. By feigning a  
4 legitimate purpose, Defendants have not only enabled, but encouraged, widespread use of a  
5 substance never intended for human consumption at such doses—creating foreseeable and  
6 preventable harm that Defendants have ignored in pursuit of profit.  
7

## 8 II. PARTIES

### 9 A. Plaintiff

10 7. Plaintiffs Christopher Good and Elisa Good are Rylie Good’s parents. They  
11 reside in the State of Georgia. Plaintiff Christopher Good has been appointed administrator  
12 of the Estate of Rylie Good (“Decedent”). Decedent is also survived by three minor children.  
13 Plaintiff Christopher Good maintains this action in a representative capacity for the Estate’s  
14 benefit as well as individually on his own behalf. Elisa Good maintains this action  
15 individually on her own behalf. Plaintiffs Christopher Good, Elisa Good, and the Estate of  
16 Rylie Good, will be referred to as “Plaintiff” throughout.  
17

### 18 B. Defendants

19 8. Defendant **Amazon.com Services LLC** (“Amazon Services”) is a limited  
20 liability company organized in Delaware with its principal place of business in Seattle,  
21 Washington. At all relevant times, Amazon Services was engaged in the business of  
22  
23

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24 <sup>2</sup> The University of Mississippi, *Nitrous Oxide deaths Spike by More Than 500%, Study Finds*,  
25 available at <https://olemiss.edu/news/2025/07/nitrous-oxide-deaths-spike-by-more-than-500-study-finds/index.html>.

26 <sup>3</sup> Simmons, Ethan, *New study reveals nitrous oxide misuse deaths are steeply increasing*, University of Illinois Urbana Champaign (July 31, 2025), available at: <https://ahs.illinois.edu/new-study-reveals->

1 marketing, promoting, selling, and/or distributing nitrous oxide-filled canisters. Upon  
2 information and belief, Amazon Services is a wholly owned subsidiary of Amazon Inc.

3 9. Defendant **Amazon.com, Inc.** (“Amazon Inc.”) (collectively with Amazon  
4 Services, “Amazon”) is a Delaware corporation with its principal place of business in Seattle,  
5 Washington. At all relevant times, Amazon Inc. was engaged in the business of marketing,  
6 promoting, selling, and/or distributing nitrous oxide-filled canisters.  
7

8  
9 **III. JURISDICTION AND VENUE**

10 10. This Court has jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a).  
11 Plaintiff and each Defendant are citizens of different states. Plaintiff is seeking damages and  
12 other relief in an amount that exceeds \$75,000, exclusive of interest and costs.  
13

14 11. Defendants reside in and have substantial, systematic, and continuous contact  
15 with the State of Washington such that the exercise of personal jurisdiction is fair, just, and  
16 appropriate. All parties transact business in Washington, avail themselves of the privilege of  
17 conducting business in Washington, and have sufficient minimum contacts with Washington,  
18 such that “maintenance of the suit does not offend traditional notions of fair play and  
19 substantial justice.” *International Shoe Co. v. Washington*, 326 U.S. 310 (1945).  
20

21 12. Venue is appropriate in this district under 28 U.S.C. § 1391(b) because  
22 Amazon resides in this district. Venue is further appropriate in this district because  
23 Defendants sold or distributed products out of this district such that a substantial part of the  
24 events or omissions giving rise to the claim occurred in this district.  
25

26 [nitrous-oxide-misuse-deaths-are-steeply-increasing/](#); Yockey RA, Hoopsick RA. *US Nitrous Oxide*

1 **IV. FACTUAL ALLEGATIONS**

2 **A. THE GROWING NITROUS OXIDE EPIDEMIC**

3 13. Nitrous oxide is a colorless, odorless, non-flammable gas.

4 14. Nitrous oxide was discovered more than two centuries ago. Humans quickly  
5 recognized the psychoactive effect of nitrous oxide and its potential for recreational use—as  
6 reflected by “laughing gas” exhibits at fairs.  
7

8 15. While its psychoactive effects were known, illicit recreational use of nitrous  
9 oxide was constrained for a long time because the gas was inconvenient to acquire. The first  
10 spike in recreational nitrous oxide use came between 1970 and 1990 when small 8g whipped  
11 cream chargers, known as “whippets,” were introduced. A second spike in nitrous oxide use  
12 began around 2015, when nitrous oxide transitioned from small, non-descript single-use  
13 chargers to brightly colored, high-volume industrial canisters. The large volume canisters  
14 allowed for hundreds of doses, continual inhalation, group use, and binge use. The large  
15 canisters of nitrous oxide were sold, not at culinary supply stores, but at smoke shops, gas  
16 stations, convenience stores and other establishments that catered to customers seeking  
17 recreational intoxication.  
18

19 16. There are legitimate purposes for which nitrous oxide can be legally sold and  
20 used. One such use is as a pain reliever and numbing agent for dental procedures. When  
21 used clinically, a 30%-50% concentration of nitrous oxide mixed with oxygen is used for  
22 safety reasons; nitrous oxide, once inhaled, displaces oxygen in the body, so mixing it with  
23 oxygen reduces the risks of oxygen deprivation and hypoxia. When administered for medical  
24

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*Mortality*. JAMA Netw Open. 2025;8(7):e2522164. doi:10.1001/jamanetworkopen.2025.22164.

1 and dental procedures, the Federal Food, Drug, and Cosmetic Act treats it as a “designated  
2 medical gas,” subjecting it to specific labeling, usage, and regulatory constraints that limit its  
3 accessibility to recreational users. *See* 21 U.S.C. §§ 360ddd(1)(C); 360ddd-1. These  
4 regulations limit the availability of nitrous oxide for medical use, making it less accessible to  
5 recreational users.

6  
7 17. A second legitimate use for nitrous oxide is as a whipping propellant or  
8 aerating agent for food products. This “culinary” use is regulated far more permissively than  
9 medical use. Nitrous oxide sold for culinary use is subject to no restrictions beyond  
10 compliance with current good manufacturing practices. *See* 21 C.F.R. § 184.1545 (Feb. 14,  
11 2008).

12  
13 18. Defendants have capitalized on the permitted and lightly-regulated use of  
14 nitrous oxide for culinary purpose – such as for charging whipped cream dispensers – as a  
15 pretext for selling nitrous oxide for recreational use.

16  
17 19. Nitrous oxide, when inhaled, causes users to become dizzy, light-headed, and  
18 giggly. It can produce feelings of euphoria, dissociation, and out-of-body experiences.<sup>4</sup>  
19 Nitrous oxide can also have anti-anxiety effects.<sup>5</sup> The “high” from nitrous oxide is brief but  
20 very intense.

21  
22 20. Food-grade nitrous oxide is sold in canisters that come in various sizes  
23 ranging from small 8g metal chargers, commonly used in whipped cream dispensers, to large  
24 3000g tanks.

25  
26 <sup>4</sup> van Amsterdam J, Nabben T, van den Brink W. Recreational nitrous oxide use: prevalence and risks. *Regul Toxicol Pharmacol* 2015;73:790–6.

<sup>5</sup> *Id.*

1           21.       Users can release the nitrous oxide from the canister in several ways. Some  
2 nitrous oxide canisters are packaged together with nozzles, or purchased with nozzles, that  
3 allow the gas to be immediately accessed once purchased. Other canisters, particularly large  
4 canisters, incorporate release valves that permit the user to start and stop the flow of gas  
5 making it more convenient to take multiple inhalation “hits” from the large container. The  
6 small 8g nitrous oxide chargers can also be placed in whipped cream dispensers, or  
7 “crackers,” that puncture the container allowing the gas to be inhaled.  
8

9           22.       It is common for recreational users of nitrous oxide to release the gas from  
10 canisters into a balloon before inhaling it from the balloon. This method allows the extremely  
11 cold pressurized gas to warm before inhalation, thereby lessening the risk of damage to  
12 lungs, vocal cords, and other tissue.  
13

14           23.       When inhaled in these ways, nitrous oxide is ingested in pure or close to pure  
15 form (without combination with an appropriate concentration of oxygen). Ingestion of  
16 nitrous oxide in pure form results in diminished blood oxygen levels or hypoxia which can  
17 cause numerous adverse health events including damage to the brain, heart, or other organs  
18 and sometimes death.  
19

20           24.       Nitrous oxide is widely used and addictive. According to a 2019 survey by  
21 the U.S. Substance Abuse and Mental Health Services Administration, approximately 12.64  
22 million Americans aged 12 and older had misused nitrous oxide in their lifetime.<sup>6</sup> Research  
23 evaluating recreational use has found that a substantial proportion of heavy nitrous oxide  
24 users meet multiple DSM-5 substance use disorder criteria—including using more than  
25

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26 <sup>6</sup><https://www.samhsa.gov/data/sites/default/files/reports/rpt29394/NSDUHDetailedTabs2019/NSDUHDetTabsSect1pe2019.htm?s=nitrous&#tab1-97a>

1 intended, spending significant time using, and experiencing interpersonal problems due to  
2 use—supporting the addictive potential of nitrous oxide.<sup>7</sup>

3 25. The ready accessibility of nitrous oxide has caused an explosion in  
4 recreational nitrous oxide use that researchers have described as a “public health crisis.”<sup>8</sup>  
5 Deaths attributed to nitrous oxide abuse have jumped more than 100% between 2019 and  
6 2023.<sup>9</sup> Emergency room visits, poison control calls, and hospitalizations related to  
7 recreational nitrous oxide inhalation have increased. Researchers warn that the trend could  
8 continue to worsen.

9  
10 **B. INJURIES ASSOCIATED WITH INHALING NITROUS OXIDE.**

11 26. Inhalation of nitrous oxide directly from a pressurized source can severely  
12 damage tissue in the form of frostbite to the lips, mouth, throat, vocal cords, and lungs. The  
13 temperature of the nitrous canisters can also cause severe burns to the face, neck, stomach,  
14 arms, legs, and feet.

15  
16 27. Inhalation of high concentrations of nitrous oxide (particularly when not  
17 mixed with an appropriate concentration of oxygen) deprives the body of oxygen. Depriving  
18 the brain of oxygen can cause hypoxia, nerve damage, unconsciousness, and even death.

19 28. Chronic nitrous oxide inhalation disrupts vitamin B12 metabolism causing a  
20 B12 deficiency. Vitamin B12 deficiency in turn interrupts the body’s ability to engage in the  
21

22  
23 <sup>7</sup> Back S, Kroon E, Colyer-Patel K, Cousijn J. Does nitrous oxide addiction exist? An evaluation of  
24 the evidence for the presence and prevalence of substance use disorder symptoms in recreational  
25 nitrous oxide users. *Addiction*. 2024 Apr;119(4):609-618. doi: 10.1111/add.16380. Epub 2023 Oct  
26 30. PMID: 37904333.

<sup>8</sup> Yockey, Andrew, Americans are Using Laughing Gas as a Drug. Here are the Dangers. *Real Clear Science* (May 13, 2025), available at:  
[https://www.realclearscience.com/articles/2025/05/13/americans\\_are\\_using\\_laughing\\_gas\\_as\\_a\\_drug\\_here\\_are\\_the\\_dangers\\_1109815.html](https://www.realclearscience.com/articles/2025/05/13/americans_are_using_laughing_gas_as_a_drug_here_are_the_dangers_1109815.html).

1 methylation of myelin proteins, leading to the demyelination of nerve cells. Demyelination  
2 refers to the destruction or degradation of myelin, which leaves nerve cells exposed and  
3 vulnerable. Demyelination causes many serious health problems including severe  
4 neuropathy, paralysis, vision impairment or loss, muscle weakness and fatigue, impaired  
5 coordination, diminished or intensified touch sensitivity, cognitive impairment, and  
6 depression. B12 deficiency can also cause a bone spur on the cervical spine, causing the  
7 health problems above.  
8

9 29. Because nitrous oxide inhalation also introduces dissociative and  
10 disorienting feelings, it poses a risk for acute physical injury from falls or other mishaps  
11 should the user attempt to stand, walk, or operate machinery while under its effects.  
12

13 30. Nitrous oxide side effects include nausea, vomiting, dizziness,  
14 unconsciousness, B12 deficiency, which can result in numbness in fingers and toes,  
15 neuropathy, ataxia, Deep Vein Thrombosis (from B-12 deficiency, severe dehydration and  
16 immobility), severe burns, nerve damage, neurologic and psychiatric illness, lung collapse,  
17 blood vessel hemorrhage in the lungs, heart attacks, seizures, comas, asphyxiation, and  
18 death.<sup>10</sup> The repeated use of nitrous oxide can cause serious and permanent physical and  
19 neurological injuries. Nitrous oxide has been tied to numerous injuries and deaths.  
20

21 31. The FDA has summarized the risks associated with recreational nitrous oxide  
22 use:

23 Inhaling nitrous oxide can result in a range of symptoms and  
24 serious health problems, from abnormal blood counts,

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25 <sup>9</sup> *Id.*

26 <sup>10</sup> Campdesuner V, Teklie Y, Alkayali T, Pierce D, George J. Nitrous Oxide-Induced Vitamin B12 Deficiency Resulting in Myelopathy. *Cureus*. 2020 Jul 9;12(7):e9088. doi: 10.7759/cureus.9088. PMID: 32685323; PMCID: PMC7366039.

1 asphyxiation, blood clots, frostbite, headache, impaired bowel  
2 and bladder function, lightheadedness, limb weakness, loss of  
3 consciousness, numbness, palpitations, paralysis, psychiatric  
4 disturbances (delusions, hallucinations, paranoia, depression),  
5 tingling, trouble walking, vitamin B12 deficiency, and in some  
6 cases, death. For some individuals who regularly inhale nitrous  
7 oxide, this habit can lead to prolonged neurological effects,  
8 including spinal cord or brain damage, even after stopping  
9 use.<sup>11</sup>

10 32. Despite the many harms associated with nitrous oxide inhalation, most  
11 recreational nitrous oxide users are unaware of its harm potential. One study found that 77%  
12 of users reported ignorance of the potential harmful effects of nitrous oxide inhalation.<sup>12</sup>

13 **C. NITROUS OXIDE PRODUCTS MARKETED AND SOLD BY**  
14 **DEFENDANTS WERE AIMED AT CUSTOMERS SEEKING**  
15 **RECREATIONAL DRUGS.**

16 33. Nitrous oxide is particularly dangerous because it is made readily available  
17 for illicit purposes through a pretextual distribution chain maintained by Defendants. The  
18 ready availability of nitrous oxide causes consumers to mistake its accessibility for  
19 harmless when, in actuality, its dangers can be quite severe.<sup>13</sup>

20 34. After 2010, Defendants began promoting, distributing, marketing, and selling  
21 much larger nitrous oxide containers than the 8g chargers that had been commonly sold at  
22 restaurant supply stores.

23 <sup>11</sup> U.S. Food & Drug Administration, FDA Advises Consumers Not to Inhale Nitrous Oxide Products  
(the “FDA Advisory”), <https://www.fda.gov/food/alerts-advisories-safety-information/fda-advises-consumers-not-inhale-nitrous-oxide-products>.

24 <sup>12</sup> Van Amsterdam, J, Nitrous oxide-induced reproductive risks: Should recreational nitrous oxide  
25 users worry, *Journal of Psychopharmacology* 2022, Vol. 36(8) 951–955, available at  
<https://journals.sagepub.com/doi/pdf/10.1177/02698811221077194>

26 <sup>13</sup> Gardin TM, Yang A, Moeller JJ, *et al.* Subacute combined degeneration of the spinal cord in a  
patient with nitrous oxide use and autoimmune atrophic gastritis *BMJ Case Reports CP* 2023;  
16:e254727.

1 35. These large nitrous oxide canisters are grossly mismatched to any legitimate  
2 culinary purpose. In kitchen use, whipped cream is made using small chargers (typically 8g  
3 each) or modest bulk systems designed for continuous service. Tanks holding as much as  
4 3000g of nitrous oxide, by contrast, contain the equivalent of 375 standard 8g chargers and  
5 would produce nearly 100 gallons of whipped cream; an amount that equates to over six  
6 thousand ¼ cup servings. That is far more than the typical restaurant, bakery, or caterer (let  
7 alone home cook) could use before spoilage, sanitation and quality concerns rendered the  
8 whipped cream unstable. It is implausible that any individual consumer would have a  
9 culinary need for that volume of nitrous oxide.  
10

11 36. Defendants' profit model for large canisters of nitrous oxide products  
12 depends on consumers purchasing them for recreational inhalation because there is no  
13 meaningful market for large, flavored nitrous oxide canisters outside of that use. That this is  
14 true is demonstrated by the websites for legitimate restaurant supply businesses like Sysco,  
15 US Foods and Webstaurant Store – which all list for sale traditional nitrous oxide charger  
16 capsules containing around 8 grams of unflavored nitrous oxide; but none list for sale  
17 enormous, colorful containers of flavored nitrous oxide.  
18

19 37. Many of the nitrous oxide products distributed and sold by Defendants  
20 feature brightly colored packaging intended to make the products appealing to youths and  
21 young adults.  
22

23 38. Many of the nitrous oxide products distributed and sold by Defendants have  
24 names that feature slang words connecting the nitrous oxide products with the drug  
25 community, not the culinary community.  
26

1           39.       Use of flavorings in nitrous oxide is a strong indicator of non-culinary intent.  
2 Flavorings added to nitrous oxide are inconsistent with legitimate culinary use in making  
3 whipped cream but are highly attractive for recreational inhalation. In culinary applications,  
4 flavor is introduced into the cream itself (through sugar or other ingredients), not into the  
5 propellant gas. Adding flavorings to the gas serves no functional culinary role and actually  
6 undermines food quality control by introducing uncontrolled tastes and aromas into the  
7 product. For that reason, websites for legitimate restaurant supply businesses like Sysco, US  
8 Foods and Webstaurant Store do not sell flavored nitrous oxide of any kind. By contrast,  
9 flavorings are desirable for inhalation because they make the gas more palatable and  
10 encourage repeated use.  
11

12           40.       Some nitrous oxide canisters are packaged together with a nozzle or  
13 marketed alongside nozzles. There is no need for a nozzle when the nitrous oxide is used for  
14 standard culinary applications. Whipped cream dispensers have a built-in valve and  
15 dispensing nozzle. They are charged by either a small nitrous oxide charger that is punctured  
16 inside the dispenser or through a regulated hose from a bulk tank. In either case, the whipped  
17 cream dispenser itself controls the gas release with no external nozzle required. From a  
18 legitimate food-service perspective, marketing, packaging, promoting, or selling nitrous  
19 oxide with a nozzle is unnecessary. From a recreational consumer's perspective, inclusion of  
20 a nozzle enables direct gas release, which is how recreational users inhale nitrous oxide. The  
21 main purpose of the nozzle is to allow the nitrous oxide to be immediately accessed without  
22 connecting to regulator or dispenser. Using a nozzle to directly consume nitrous oxide from  
23 a nitrous oxide container is dangerous, however, as it increases the risk of frostbite to the  
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1 lips, mouth, throat, vocal cords, and lungs. Use of a nozzle is also dangerous because it  
2 allows for near continuous inhalation of nitrous oxide (as compared to a balloon, which must  
3 be repeatedly filled), greatly increasing the health dangers outlined above.

4 41. The release valve offered on some large nitrous oxide canisters makes it  
5 easier for illicit users to inhale nitrous oxide because it lets them control how much gas  
6 comes out at a time instead of it blasting out all at once. Recreational users frequently fill a  
7 balloon from a canister or cylinder and then inhale from the balloon, which is safer than  
8 breathing straight from the metal because the gas coming directly out is extremely cold and  
9 under high pressure. With a release valve, a user can gently open the flow, fill balloons  
10 repeatedly, and stop and start the gas as needed, which both reduces the risk of frostbite from  
11 direct discharge and makes it more convenient to take multiple inhalation “hits” from the  
12 same container.  
13

14 42. Nitrous oxide products are heavily marketed on social media, including by  
15 engaging private social media influencers that have no legitimate connection to the culinary  
16 industry.  
17

18 43. Large nitrous oxide canisters are frequently displayed alongside  
19 paraphernalia that has no legitimate culinary purpose but clearly signals inhalant use—  
20 reinforcing that the expected use of the product is for recreational inhalation, not food prep.  
21 Commonly associated items include balloons, balloon packs, and “crackers” or dispensers for  
22 releasing the compressed gas. In some instances, nitrous oxide products are linked to tubing,  
23 mouthpieces, and masks to reduce the discomfort of repeated inhalation. These tools are  
24 unnecessary for making whipped cream but widely associated with inhalant consumption.  
25  
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1 Associating nitrous oxide canisters with drug paraphernalia signaled to Decedent and other  
2 consumers that the nitrous oxide products marketed, distributed, and sold by Defendants  
3 were appropriate for use as inhalants.

4 **D. DEFENDANTS FAILED TO ADEQUATELY WARN THEIR**  
5 **CONSUMERS ABOUT THE KNOWN DANGERS OF INHALING**  
6 **NITROUS OXIDE.**

7 44. Defendants knew or should have known about the illicit market for nitrous  
8 oxide.

9 45. Based on sales patterns (including, but not limited to, frequency of nitrous  
10 oxide purchases, volume of nitrous oxide purchases, types of nitrous oxide products  
11 purchased, and paraphernalia purchased alongside nitrous oxide products) Defendants knew  
12 or should have known that the nitrous oxide products they produced, marketed and sold were  
13 being purchased by certain of their customers for recreational use via inhalation.

14 46. Amazon, in particular, has substantial knowledge of customer's identities  
15 and behaviors. Knowing the product offerings their customers interact with, and ultimately  
16 purchase, is at the core of Amazon's business.

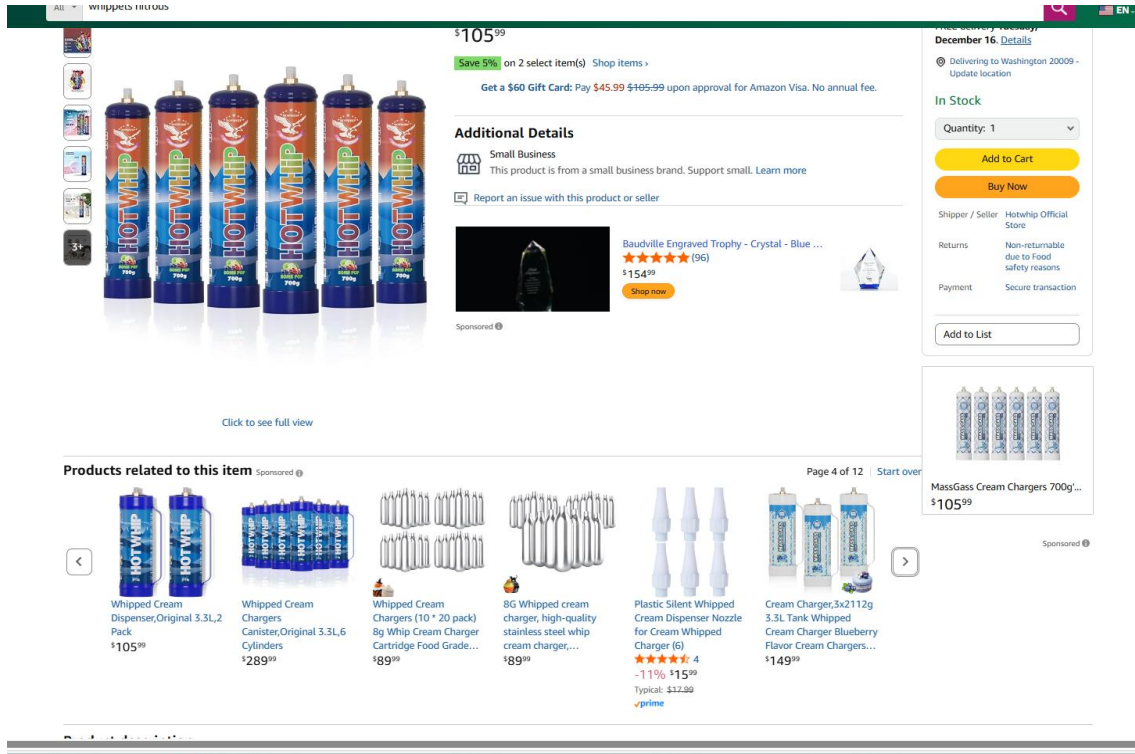
17 47. Amazon builds surveillance into its platforms and products, traffics user  
18 information, and feeds data into tailored algorithms that produce insights about users that  
19 boost sales. Amazon's knowledge and understanding of its customers is often much greater  
20 than what a typical retailer would know about a prospective customer.

21 48. Amazon collects information about customers from its websites, its smart  
22 devices (such as Alexa), its numerous subsidiaries (such as the health clinic OneMedical) and  
23 even by purchasing data from other companies. The information that Amazon collects  
24  
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1 includes but is not limited to: (1) what customers search for, (2) what customers watch, (3)  
2 the duration of time customers spend on different product pages, (4) whether and when  
3 customers click on links or buttons, (5) whether or not the customer scrolled to product  
4 reviews, (6) what customers have said in their own product reviews, (7) what reminders the  
5 customer has set for life events, (8) who the customer's contacts are, and (9) what the  
6 customer says to their smart devices.  
7

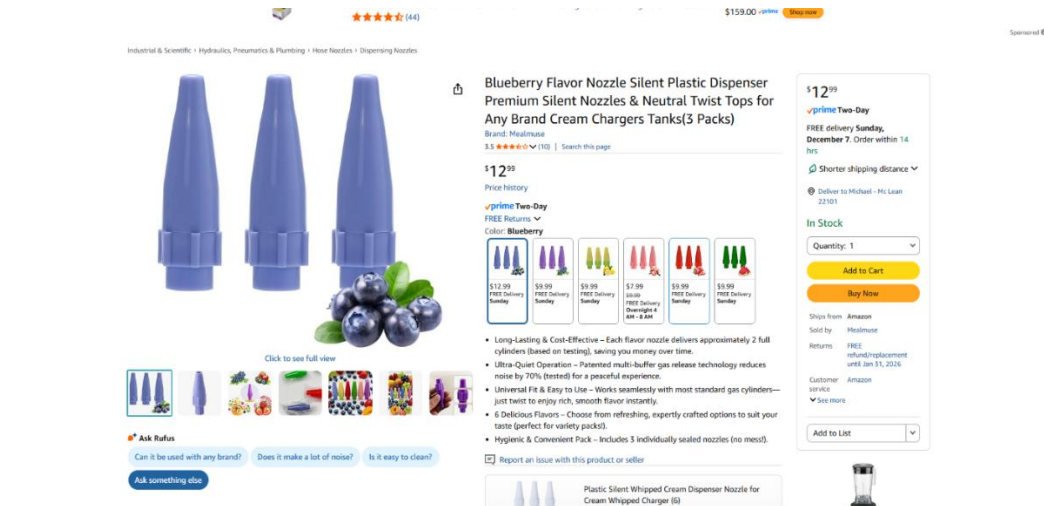
8 49. By collecting and combining this information in near real-time, Amazon is  
9 able get a comprehensive understanding of its customers' lives and predict their behaviors.  
10 Amazon uses this information to influence customer behaviors by making targeted  
11 recommendations to customers.

12 50. On product pages for nitrous oxide canisters, Amazon featured other items  
13 for sell under the heading "Products related to this item." Dispenser nozzles that attach to the  
14 nitrous oxide canisters were promoted by Amazon in this area – signifying that nozzles are  
15 intended for use together with nitrous oxide canisters. The image below is representative of  
16 what customers were presented as "related" items when on the product page for a large  
17 nitrous oxide canister:  
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51. The nozzles Amazon promotes as being “related” to nitrous oxide canisters are used for venting the gas into a balloon for inhalation or, more dangerously, directly into a consumer’s mouth or lungs. That the nozzles sold by Amazon are intended to be placed in one’s mouth is demonstrated by the fact that some of the nozzles are promoted as candy or fruit flavored.

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52. Nothing in the nozzle description explains what role such a nozzle would play in dispensing whipped cream. Product images depict the nozzles being used to vent gas, not to dispense whipped cream. Consumer comments for the nozzles also reflect their true intended purpose as aids to the recreational inhalation of nitrous oxide by referencing their smell, taste and functionality as a “cracker” (which is slang for a mechanical device used to break the seal on a traditional nitrous charger capsule).



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2 53. Inhaling nitrous oxide directly from a nozzle (as compared to the use of gas-  
3 filled balloons) greatly increases the danger. It increases the risk of frostbite to the lips,  
4 mouth, throat, vocal cords and lungs. It also increases the risks of hypoxia and oxygen  
5 deprivation.

6  
7 54. Comments regarding nitrous oxide canister products on the electronic  
8 commerce pages maintained by Amazon also referenced the actual intended purpose for  
9 which many customers bought nitrous oxide products: i.e., for recreational inhalation to  
10 experience psychoactive effects. The following comments are representative of reviews left  
11 on Amazon pages for nitrous oxide products:

- 12 • “Best high ever. My friends and I hit this stuff so much, passing it around like  
13 candy.”<sup>14</sup>
- 14 • “Stuff gave me a rush of dopamine and euphoric relief as it kills my brain  
15 cells and massages the back of brain.”
- 16 • “This stuff is really clean. If you are using it for Balloons, you don’t need to  
17 buy the regulator. a small white tip comes with each bottle for that. Heh heh.”
- 18 • “Tastes like medical grade.”
- 19 • “Don’t buy the flavored tanks [because] its gross to breathe in once the  
20 included filter gets overwhelmed.”
- 21 • “Absolutely wonderful and a thousand percent recommended but get the valve  
22 kit to connect to your cracker and don’t use the little nozzle that comes with it  
23 or you will burn your lips and it hurts for a week.”

24 These and similar reviews made it clear to Defendants that consumers were inhaling the  
25 nitrous oxide products to feel psychoactive effects.  
26

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<sup>14</sup>Jeremy Finley, “WSMVR Investigates: Users of nitrous oxide describe ‘best high ever’ in reviews of canisters on Amazon”, Sept. 17, 2025, available at: [https://www.wsmv.com/2025/09/17/wsmv4-investigates-users-nitrous-oxide-describe-best-high-ever-reviews-canisters-amazon/?utm\\_source=chatgpt.com](https://www.wsmv.com/2025/09/17/wsmv4-investigates-users-nitrous-oxide-describe-best-high-ever-reviews-canisters-amazon/?utm_source=chatgpt.com)

1 55. Defendants were aware of the harm that is caused by their unethical and  
2 unreasonable practices, including the fact that individuals who purchase and ingest nitrous  
3 oxide are subjected to an array of dangers and harms. Defendants also knew or should have  
4 known that multiple states have enacted laws and regulations prohibiting or regulating  
5 recreational inhalation of nitrous oxide, including statutes criminalizing possession for  
6 purposes of inhalation, use to intoxicate, and the sale of nitrous oxide to individuals under the  
7 age of 18.  
8

9 56. Despite knowledge that their nitrous oxide products were being purchased  
10 for recreational use and despite knowledge of the harm inhaling nitrous oxide could cause  
11 their customers, Defendants chose to sell nitrous oxide to consumers, including Decedent,  
12 that they knew were purchasing the nitrous oxide to use for dangerous, recreational purposes.  
13

14 57. Despite knowledge that their nitrous oxide products were being purchased  
15 for recreational use and despite knowledge of the harm inhaling nitrous oxide could cause  
16 their customers, Defendants did not adequately warn consumers about the risks associated  
17 with inhaling nitrous oxide.

18 58. The warning language included on Defendants' nitrous oxide products was  
19 wholly inadequate to warn consumers about the nature, extent, and severity of the dangers of  
20 inhaling nitrous oxide. Some nitrous oxide canisters include language (usually in small type)  
21 on the label to the effect that the product is "For Food Purposes Only." This mildly worded  
22 warning is inadequate to convey the risk of serious physical injury or death. To the contrary,  
23 describing the product as "food" suggests to customers that the product is safe to ingest  
24 because it is intended for "food" purposes. A false image of safety is further promoted by  
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1 flavoring the gas like food items including “vanilla cupcakes” or “banana cream pie.” Some  
2 nitrous oxide canisters include language (again usually in small type) saying “Do Not Inhale”  
3 on the product packaging. The seriousness of such a warning is minimized, however, by  
4 instructions to merely “remove person to fresh air” if inhaled.

5  
6 59. Defendants failed to advise consumers as to the addictive potential of  
7 recreational nitrous oxide inhalation or about the specific diseases or injuries that could result  
8 from consuming the nitrous oxide in the manner Defendants expected.

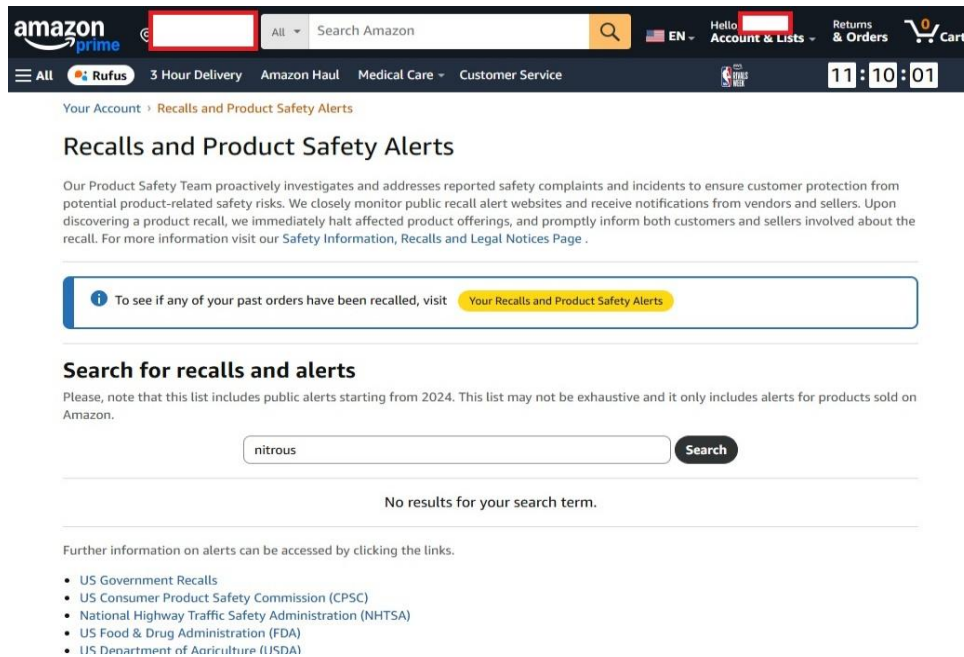
9 60. Defendants failed to advise consumers that inhaling the nitrous oxide  
10 canisters in the manner Defendants expected—directly from the canister or from a balloon,  
11 but, in either case, unmixed with oxygen—would place consumers at risk for hypoxia,  
12 asphyxiation, demyelination, nerve damage, blood clots, frostbite, headaches, impaired  
13 bowel and bladder function, lightheadedness, limb weakness, loss of consciousness,  
14 numbness, palpitations, paralysis, psychiatric disturbances (delusions, hallucinations,  
15 paranoia, depression), tingling, trouble walking, vitamin B12 deficiency, and in some cases,  
16 death.  
17

18 61. In March of 2025, the FDA issued a warning advising consumers not to  
19 inhale nitrous oxide products from any size canisters, tanks or chargers”. The FDA Advisory  
20 listed numerous specific brands associated with large canisters of nitrous oxide purportedly  
21 being sold for culinary use but actually intended for use as inhalants. The FDA Advisory  
22 specifically referenced Amazon as a conduit for the sale of these products.  
23

24 62. Even after the FDA Advisory, Defendants continued to promote and sell  
25 nitrous oxide products without warning consumers of the dangers associated with  
26

1 recreational inhalation of nitrous oxide. Defendants did not amend the product packaging or  
2 the Amazon product pages or electronic commerce sites to disclose the risks identified by the  
3 FDA.

4 63. Defendants did not include information about the dangers of inhaling nitrous  
5 oxide or mention the FDA Advisory on the Amazon page for “Recalls and Product Safety  
6 Alerts.” The image below reflects the absence of any information regarding recalls and  
7 alerts involving “nitrous” on the Amazon “Recalls and Product Safety Alerts” page:  
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21 64. After the FDA Advisory, Defendants continued to promote, distribute and  
22 sell nitrous oxide products, including nitrous oxide products directly named in the March  
23 2025 FDA Advisory, without additional warnings and without taking steps to monitor or  
24 identify sales patterns that were indicative of recreational inhalation.  
25  
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1           **E.    DECEDENT PURCHASED NITROUS OXIDE FROM AMAZON,**  
2           **USED IT IN THE MANNER DEFENDANTS EXPECTED, AND**  
3           **SUFFERED INJURIES.**

4           65.     Decedent was in her mid-20's at the time she was purchasing nitrous oxide  
5 products from the Amazon website.

6           66.     Plaintiff was a mother of three young children. She and her parents were  
7 close.

8           67.     Decedent began purchasing nitrous oxide products for inhalation on or  
9 around October of 2023. She continued using nitrous oxide products for recreational  
10 inhalation from October 2023 until May 2024.

11          68.     During this time, Decedent consumed nitrous oxide products daily; a rate of  
12 use enabled by regular purchases of nitrous oxide products from Amazon. Decedent's order  
13 history, as reflected on Decedent's Amazon account, includes the following purchases of  
14 nitrous oxide products:  
15

- 16           •     November 15, 2023 - Decedent purchased strawberry flavored Galaxy Gas
- 17           •     November 16, 2023 - Decedent purchased strawberry flavored Galaxy Gas
- 18           •     November 18, 2023 - Decedent purchased an eight flavor variety pack of  
19 Galaxy Gas
- 20           •     December 4, 2023 - Decedent purchased blueberry flavored Galaxy Gas
- 21           •     December 6, 2023 - Decedent paid \$229 for an eight flavor variety pack of  
22 Galaxy Gas
- 23           •     January 3, 2024 - Decedent purchased vanilla cupcake flavored Galaxy Gas
- 24           •     February 3, 2024 - Decedent purchased blue raspberry flavored Galaxy Gas
- 25
- 26

- 1 • February 11, 2024 - Decedent purchased vanilla cupcake flavored Galaxy Gas
- 2 • February 11, 2024 - Decedent purchased grape soda flavored Galaxy Gas
- 3 • February 15, 2024 - Decedent purchased grape soda flavored Galaxy Gas
- 4 • March 2, 2024 - Decedent paid \$48.99 to purchase grape soda flavored Galaxy
- 5 Gas
- 6

7 69. The volume, frequency, and nature of Decedent’s purchases could only have  
8 been consistent with persistent recreational use rather than culinary use.

9 70. The nitrous oxide products sold to Decedent were marketed, packaged, and  
10 sold in a manner consistent with recreational inhalation, including but not limited to: (a)  
11 oversized large-capacity canisters far exceeding culinary needs, (b) branding, flavoring, and  
12 labeling appealing to recreational users, (c) promotion of nitrous oxide products alongside  
13 paraphernalia and accessories associated with drug-use, and (d) the absence of meaningful  
14 warnings regarding the risks and dangers of nitrous oxide inhalation.

15 71. Defendants knew or should have known that there was a substantial  
16 likelihood that consumers, like Decedent, who purchased their nitrous oxide products at the  
17 volume and frequency they were purchased by Decedent, and whose purchase history  
18 included paraphernalia such as a mask, tubing and a regulator valve, would be using the  
19 nitrous oxide products as recreational inhalants – putting such consumers at significant risk  
20 of suffering injuries.

21 72. Despite this, Amazon did not take reasonable steps to prevent or reduce the  
22 danger to consumers. Amazon did not take any steps to monitor the volume or frequency of  
23 Decedent’s nitrous oxide purchases. Nor did Amazon take any steps to intervene – by either  
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1 limiting sales or providing an adequate warning of the harms of inhaling nitrous oxide – once  
2 the volume and frequency of Decedent’s nitrous oxide purchases clearly indicated those  
3 products were being purchased for recreational inhalation rather than culinary use.

4 73. At no time did Defendants adequately instruct Decedent not to inhale nitrous  
5 oxide or adequately warn Decedent about the dangers of using nitrous oxide as a recreational  
6 drug. Defendants failed to include adequate warnings regarding the risks of inhaling nitrous  
7 oxide in the product’s packaging or promotional materials. Defendants also failed to include  
8 adequate warnings regarding the risks of inhaling nitrous oxide on the Amazon website and  
9 related platforms.  
10

11 74. Decedent was not aware of the risks associated with recreational use of  
12 nitrous oxide. Instead, Decedent believed that Defendants’ nitrous oxide products were safe  
13 or presented limited and reasonable risk when used recreationally. Had Decedent known the  
14 risks associated with nitrous oxide inhalation, Decedent would have avoided, limited, or  
15 modified the means of nitrous oxide inhalation.  
16

17 75. On or about December of 2023, Decedent was admitted to the hospital.  
18 During her hospital stay, Decedent was determined to have suffered nerve damage of such  
19 severity she was never again able to walk without using a walker.  
20

21 76. In May of 2024, Decedent went to Piedmont Hospital Cartersville which sent  
22 her to Summit Ridge Rehabilitation.

23 77. On May 14, 2024, while at Summit Ridge Rehabilitation, Decedent died  
24 from a pulmonary embolism.  
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1 78. As a result of Decedent's use of Defendants' nitrous oxide products,  
2 Decedent required treatment by medical professionals and suffered physical injuries and  
3 harm including vitamin B12 depletion, myelopathy, numbness, peripheral neuropathy, gait  
4 disturbance, numbness and weakness in her extremities, loss of coordination, loss of the  
5 ability to walk independently, difficulty speaking, difficulty swallowing, cognitive and  
6 neurological impairments, extreme paranoia, anxiety, depression, conscious pain and  
7 suffering, and other injuries, including death.  
8

9 **V. PUNITIVE DAMAGES ALLEGATIONS**

10 79. Defendants' conduct was, and is, of the type for which applicable laws  
11 provide for the imposition of punitive damages.

12 80. The acts and omissions of Defendants made dangerous downstream  
13 consumer use of nitrous oxide as an inhalant, not merely possible, but commercially intended  
14 and predictable.  
15

16 81. Defendants' conduct, as described above, was committed with knowing,  
17 conscious, careless, reckless, willful, wanton, malicious, and deliberate disregard for the  
18 rights and safety of consumers, including Decedent. Defendants' acts, omissions, and  
19 representations involved an extreme degree of risk considering the probability and magnitude  
20 of the harm. Defendants acted with conscious and reckless disregard for human life, safety,  
21 and the rights of consumers, including Decedent. Defendants' conduct and callous disregard  
22 for the safety of consumers such as Decedent was so mean, vile, base, and contemptible that  
23 it would be looked down on and despised by reasonable people.  
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1 82. Defendants' conduct was not accidental or merely negligent, but was willful,  
2 wanton, and motivated by profit. Defendants had actual subjective awareness of the risk but  
3 proceeded with conscious indifference to the rights, safety, and welfare of Decedent and  
4 other consumers.

5 83. Defendants knew their nitrous oxide canisters would be used for recreational  
6 inhalation and knew or should have known of the serious risks associated with that use.  
7 Despite this knowledge, Defendants intentionally marketed and promoted their products in a  
8 manner that encouraged human consumption while failing to provide adequate warnings  
9 regarding the risk of severe injury. By omitting adequate warnings, Defendants deprived  
10 consumers of the ability to make informed decisions to not purchase and consume nitrous  
11 oxide products. Defendants profited by continuing to sell nitrous oxide products without  
12 adequate warnings, demonstrating a conscious and ongoing disregard for consumer safety.  
13 Defendants knew they could profit by selling nitrous oxide to consumers for recreational  
14 consumption. As a direct result of Defendants' knowing and malicious conduct, Decedent  
15 suffered severe harm and may require future medical care.  
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**VI. DISCOVERY RULE AND FRAUDULENT CONCEALMENT**

84. This action is timely filed pursuant to the discovery rule. Despite acting with reasonable diligence, Decedent did not learn of the link between Decedent’s injuries and Decedent’s use of the nitrous oxide products prior to her death; information regarding the link between nitrous oxide products and Decedent’s injuries and death was not discovered until after Decedent’s death and within the applicable limitations period. Prior to that time, Plaintiff could not have discovered, through the exercise of reasonable diligence, that long-term exposure to nitrous oxide was injurious to human health. A reasonable and diligent investigation by Plaintiff would not have revealed that nitrous oxide could cause Decedent’s injuries and death.

85. The expiration of any applicable statute of limitations has been tolled by reason of Defendants’ fraudulent concealment. Through affirmative misrepresentations and omissions, Defendants willfully, wantonly, actively, and intentionally concealed from Decedent and from Plaintiff the true risks associated with inhaling nitrous oxide. Plaintiff did not discover and did not know of facts that would cause a reasonable person to suspect that Decedent’s injuries were caused by inhaling nitrous oxide. Nor would a reasonable and diligent investigation by Plaintiff have disclosed that nitrous oxide caused her injuries during the limitations period.

1 **VII. CAUSES OF ACTION**

2 **COUNT I**  
3 **STRICT PRODUCTS LIABILITY – DESIGN DEFECT**  
4 *(Against Both Defendants)*

5 86. Plaintiff incorporates the above allegations as though fully set forth herein.  
6 This count is brought under the Washington Product Liability Act (“WPLA”), RCW § 7.72 et  
7 seq. Amazon is liable as a “manufacturer” under RCW § 7.72.040(2). The nitrous oxide  
8 canisters purchased by Decedent were marketed, distributed, and sold by Defendants in the  
9 regular course of their businesses.

10 87. At the time of Decedent’s injuries, the nitrous oxide products distributed and  
11 sold by Defendants were in a defective condition and were unreasonably dangerous when put  
12 to their reasonably anticipated use in that they:

- 13
- 14 a. Were designed and sold for recreational use;
  - 15 b. Incorporated features that enhanced recreational use as an inhalant but served  
16 no legitimate objective for the products’ stated purpose as a culinary product;
  - 17 c. Were provided to consumers in unreasonably large quantities that made them  
18 ill-suited for any purpose other than inhalation and that greatly increased the  
19 risk of harm from repeated inhalation;
  - 20 d. Were addictive;
  - 21 e. Failed to incorporate abuse-deterrent designs such as adding a bitterant to the  
22 gas;
  - 23 f. Failed to incorporate abuse-deterrent designs, such as designing the canister to  
24 be incompatible with standard nozzles and inhalation accessories;
  - 25 g. Failed to incorporate injury-reducing designs, such as mixing the nitrous  
26 oxide with an appropriate amount of oxygen;
  - h. Failed to contain adequate warnings against and about the dangers and  
specific injuries of inhalation;
  - i. Used names, colors, branding, advertising, imagery, and components that  
promoted and enabled nitrous oxide inhalation and thereby contradicted,  
discredited, and muted any minimal warning that may have existed on the  
packaging about not using the product as an inhalant; and
  - j. Such further defects as discovery and the evidence shall reveal.

1 88. The design defect described herein existed at the time the product left  
2 Defendants' possession and control and was a producing cause of Decedent's injuries.

3 89. Inhalation was a reasonably anticipated and commercially intended use for the  
4 nitrous oxide sold by Defendants, based on Defendants' marketing, promotion, packaging,  
5 and distribution choices. Inhalation of the nitrous oxide was a reasonably anticipated use of  
6 the product, given Defendants' branding, packaging, choice of sales channels, accessories,  
7 and the volume and manner in which the products were sold.  
8

9 90. The risk of injury to consumers who were enticed to purchase the nitrous  
10 oxide canisters for recreational use as an inhalant outweighed any minimal utility from the  
11 challenged design features that promoted or enabled inhalation. An ordinary consumer would  
12 not expect the nitrous oxide products purchased from Defendants to carry a significant risk of  
13 serious injury and death. The nitrous oxide canisters were more dangerous than an ordinary  
14 consumer would expect.  
15

16 91. Safer alternative designs for nitrous oxide canisters existed and were feasible  
17 at the time of manufacture, including (a) adding a bitterant to the nitrous oxide that would  
18 make the nitrous oxide unappealing for inhalation, (b) ceasing to include or provide nozzles  
19 with nitrous oxide tanks, (c) making nitrous oxide tanks incompatible with nozzles or  
20 inhalation accessories, (d) limiting canister size, (e ) mixing the nitrous oxide gas with an  
21 appropriate concentration or oxygen, (f) instructing and warning that nitrous oxide should  
22 not be inhaled unless mixed with an appropriate concentration of oxygen. These alternative  
23 designs would have significantly reduced the risk of inhalation-related injuries from nitrous  
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1 oxide without impairing its culinary utility. These alternatives were economically and  
2 technologically feasible.

3 92. Defendants were not passive or innocent distributors or sellers of nitrous  
4 oxide products. Defendants exercised substantial control over the warnings, instructions, and  
5 information provided to consumers, which warnings and instructions were inadequate at the  
6 time the product left the Defendants' control and which inadequate warnings and instructions  
7 caused Decedent's injuries. Defendants made express factual representations about the safety  
8 of nitrous oxide as an inhalant that were incorrect, such representations were relied upon by  
9 Decedent and caused Decedent's injury. Defendants altered or modified the nitrous oxide  
10 products by offering free nozzles that allowed the nitrous oxide to be accessed for inhalation.  
11 Defendants knew that the nitrous oxide products were defective in their warnings and design  
12 at the time Defendants supplied and sold the product and Decedent's injuries resulted from  
13 those defects.  
14

15  
16 93. Upon information and belief, manufacturers of certain of the nitrous oxide  
17 products used by Decedent are insolvent, not subject to service of process in Washington, not  
18 subject to the jurisdiction of the Court, and/or it is highly probable that Plaintiffs would be  
19 unable to enforce a judgment against them. Accordingly, Defendants are subject to the  
20 liability of a manufacturer under RCW 7.72.030.  
21

22 94. As a direct and proximate result of Defendants' failures to provide adequate  
23 warnings about the dangers of nitrous oxide inhalation, Decedent sustained injuries,  
24 including a severe addiction to nitrous oxide, and other severe physical, mental and  
25 emotional injuries, past and future pain and suffering, permanent cognitive and neurological  
26

1 impairment, and death. Decedent also incurred economic damages, including but not limited  
2 to medical expenses, lost income, and other damages.

3 95. The aforesaid acts, omissions and/or representations of Defendants involved  
4 an extreme degree of risk considering the probability and magnitude of the harm. Defendants  
5 had actual subjective awareness of the risk but proceeded with conscious indifference to the  
6 rights, safety and welfare of Decedent and other consumers. Plaintiff is entitled to punitive  
7 damages from Defendants to punish and to deter Defendants and others from similar conduct  
8 in the future.

9  
10 96. WHEREFORE, Plaintiff prays for judgment against Defendants for  
11 compensatory damages, punitive damages, costs herein incurred, prejudgment interest, post-  
12 judgment interest, attorneys' fees and all other and further relief that may be just and proper  
13 under the circumstances.  
14

15 **COUNT II**  
**STRICT PRODUCTS LIABILITY – FAILURE TO WARN**  
16 *(Against All Defendants)*

17 97. Plaintiff incorporates the above allegations as though fully set forth herein.

18 98. This count is brought under the Washington Product Liability Act  
19 (“WPLA”), RCW § 7.72 et seq. Amazon is liable as a “manufacturer” under RCW §  
20 7.72.040(2).  
21

22 99. The nitrous oxide products purchased by Decedent were marketed, promoted,  
23 advertised, distributed, supplied, merchandised, and sold by Defendants in the regular course  
24 of their businesses.  
25  
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1 100. At all relevant times, Amazon had control over nitrous oxide canisters sold  
2 on the Amazon website and through Amazon's other retail channels. Amazon had control  
3 over how nitrous oxide products appeared on their website and what text, graphics and other  
4 promotional materials and associated products appeared alongside the nitrous oxide products.  
5 Amazon sold and distributed nitrous oxide products to consumers, including Decedent.  
6

7 101. Defendants are strictly liable for injuries incurred by Decedent due to  
8 Decedent's use of nitrous oxide canisters sold by Defendants because the nitrous oxide  
9 products were not reasonably safe in construction or were not reasonably safe because they  
10 did not conform to the applicable express or implied warranties.

11 102. At the point in time when Decedent purchased and inhaled the nitrous oxide  
12 products, Defendants were aware that inhaling nitrous oxide poses serious risks. The health  
13 risks associated with nitrous oxide inhalation were known to Defendants based on generally  
14 accepted knowledge in the scientific community at the time.  
15

16 103. At the time of Decedent's injuries, the nitrous oxide products were in a  
17 defective condition and were unreasonably dangerous when put to their reasonably  
18 anticipated use in that they failed to adequately warn about the risks of nitrous oxide  
19 inhalation, including the risks of addiction and severe health consequences.  
20

21 104. The nitrous oxide products marketed, advertised, distributed, and sold to  
22 Decedent by Defendants are defective because the products fail to warn consumers, including  
23 Decedent, through the labeling, packaging, promotion, marketing, advertising, websites,  
24 modes of electronic commerce, or otherwise that:  
25  
26

- 1 a. Inhaling nitrous oxide products can cause, maintain, or aggravate nitrous  
2 oxide addiction and subject consumers to the health hazards associated with  
3 addiction;
- 4 b. Inhaling nitrous oxide products can deliver nitrous oxide at greater levels than  
5 medically recommended;
- 6 c. Inhaling nitrous oxide products carries risks of behavioral, cognitive, and  
7 mental health injuries, neurological injuries, paralysis, severe neuropathy,  
8 inability to walk, inability to perform daily activities, pulmonary injuries,  
9 long-term vitamin B12 deficiencies, and other harmful effects;
- 10 d. The repeated use of nitrous oxide can cause serious and permanent physical  
11 and neurological injuries and death;
- 12 e. Certain medical symptoms of inhaling nitrous oxide require prompt medical  
13 care and treatment, including identification of such symptoms and instructions  
14 on how to determine when to seek medical treatment;

15 105. The warning defects existed at the time the products left Defendants' control  
16 and rendered the products unreasonably dangerous.

17 106. Any minimal warnings that may have accompanied the nitrous oxide  
18 products were so mild in tone and so general in content as to fail to adequately warn  
19 consumers of the severe risks of inhalation. The warnings provided by Defendants failed to  
20 convey the level of information that a consumer would expect regarding risks associated with  
21 use of the products in a manner reasonably foreseeable to Defendants.

22 107. Amazon did not take any steps to monitor the volume or frequency of nitrous  
23 oxide canister purchases by consumers such as Decedent. Amazon did not limit sales or  
24 provide adequate warning information to persons, like Decedent, whose volume, frequency  
25 and types of nitrous oxide product purchases clearly indicated that the nitrous oxide was  
26 being purchased for recreational inhalation rather than culinary use.

108. Decedent did not know and could not have reasonably been expected to  
know of the risks associated with recreational inhalation of nitrous oxide. A manufacturer or  
distributor has a duty to adequately warn of potential risks or hazards where there is unequal

1 knowledge, actual or constructive, of a dangerous condition and the Defendant (possessing  
2 such knowledge) knows or should know that harm might or could occur if no warning is  
3 given.

4 109. To the extent the nitrous oxide products' packaging contained warning  
5 language, such warnings were inadequate in size, color, prominence, wording or substance to  
6 convey the seriousness of the risk. Additionally, the use of names, colors, branding,  
7 flavorings, imagery, and components (*e.g.* nozzles, regulators, balloons) that promoted and  
8 enabled nitrous oxide inhalation served to contradict, discredit and mute any minimal  
9 warning that may have existed on the packaging about not using the product as an inhalant.  
10

11 110. The failure to adequately warn about the defective nitrous oxide products  
12 created a danger of the injuries described herein that were reasonably foreseeable at the time  
13 of labeling, design, distribution, and sale of nitrous oxide.  
14

15 111. Had adequate warnings been provided, Decedent would not have inhaled  
16 Defendants' nitrous oxide products and the injuries Decedent suffered would not have  
17 occurred.

18 112. Defendants were not passive or innocent sellers of nitrous oxide products.  
19 Defendants exercised substantial control over the warnings, instructions, and information  
20 provided to consumers, which warnings and instructions were inadequate at the time the  
21 product left the Defendants' control and which inadequate warnings and instructions caused  
22 Decedent's injuries. Defendants made an express factual representation about the safety of  
23 nitrous oxide as an inhalant that were incorrect, such representations were relied upon by  
24 Decedent and caused Decedent's injury. Defendants altered or modified the nitrous oxide  
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1 products by offering free nozzles that allowed the nitrous oxide to be accessed for inhalation.  
2 Defendants knew that the nitrous oxide products were defective in their warnings and design  
3 at the time Defendants supplied and sold the product and Decedent's injuries resulted from  
4 those defects.

5 113. Upon information and belief, manufacturers of certain of the nitrous oxide  
6 products used by Decedent are insolvent, not subject to service of process in Washington, not  
7 subject to the jurisdiction of the Court, and/or it is highly probable that Plaintiffs would be  
8 unable to enforce a judgment against them.

9 114. Defendants' failures to provide adequate warnings and instructions  
10 accompanying their nitrous oxide products was a substantial factor in causing Decedent's  
11 injuries.  
12

13 115. As a direct and proximate result of Defendants' failures to provide adequate  
14 warnings about the dangers of nitrous oxide inhalation, Decedent sustained injuries,  
15 including a severe addiction to nitrous oxide, and other severe physical, mental and  
16 emotional injuries, and past and future pain and suffering, permanent cognitive and  
17 neurological impairment, and death. Decedent also incurred economic damages, including  
18 but not limited to medical expenses, lost income, and other damages.  
19

20 116. The aforesaid acts, omissions and/or representations of Defendants involved  
21 an extreme degree of risk considering the probability and magnitude of the harm. Defendants  
22 had actual subjective awareness of the risk but proceeded with conscious indifference to the  
23 rights, safety, and welfare of Decedent and other consumers. Plaintiff is entitled to punitive  
24

1 damages from Defendants to punish and to deter Defendants and others from similar conduct  
2 in the future.

3 122. WHEREFORE, Plaintiff prays for judgment against Defendants for  
4 compensatory damages, punitive damages, costs herein incurred, prejudgment interest, post-  
5 judgment interest, attorneys' fees and all other and further relief that may be just and proper  
6 under the circumstances.  
7

8 **COUNT III**  
9 **NEGLIGENCE**  
10 *(Against Both Defendants)*

11 123. Plaintiff incorporates the above allegations as though fully set forth herein.

12 124. Amazon marketed, promoted, distributed, supplied, and sold nitrous oxide  
13 canisters in the regular course of its businesses through its online store – including those  
14 products inhaled by Decedent.

15 125. At all relevant times, Amazon sold nitrous oxide canisters through its online  
16 store. Amazon had control over how nitrous oxide canisters appeared on the Amazon  
17 website. Amazon also had control over what text, graphics, and information appeared  
18 alongside nitrous oxide product listings. Amazon further controlled what products were  
19 promoted as related to nitrous oxide canisters. Amazon controlled what reviews were  
20 displayed. Amazon influenced its customers' access to and purchase of nitrous oxide  
21 products.  
22

23 126. At all times relevant, Amazon owed the public, including Decedent, a duty to  
24 exercise reasonable care and act as a reasonably prudent seller and supplier when marketing,  
25  
26

1 promoting, supplying, selling, or otherwise placing in the stream of commerce nitrous oxide,  
2 including the nitrous oxide canisters at issue in this lawsuit.

3 127. Amazon owed a duty to exercise ordinary care to prevent nitrous oxide  
4 products they promoted, supplied, and distributed from being foreseeably misused in a  
5 manner that posed a serious risk of injury, where such misuse was reasonably anticipated  
6 based on the nature of the product, its design features, packaging, branding, and the channels  
7 through which it was sold.  
8

9 128. Amazon owed a duty arising from its knowledge that customers purchasing  
10 its nitrous oxide products intended to inhale the nitrous oxide.

11 129. Amazon failed to exercise ordinary care, thereby breaching the duty owed to  
12 Decedent and others in one or more of the following respects:

- 13
- 14 a. Selling nitrous oxide products, particularly products that cater to recreational  
15 use due to their size, flavoring, branding or accessories, with knowledge that  
16 inhalation of nitrous oxide is illegal and dangerous;
  - 17 b. Supplying and dispensing nitrous oxide products when it knew or should have  
18 known that the product would be used as a recreational drug;
  - 19 c. Dispensing nitrous oxide chargers/containers with reckless disregard as to  
20 whether the substance was likely to be consumed, inhaled, or used as a  
21 recreational drug by the person to whom it was supplied;
  - 22 d. Failing to provide adequate warnings or instructions for nitrous oxide products  
23 sold through the Amazon electronic store;
  - 24 e. Failing to communicate the health risks associated with nitrous oxide  
25 products;
  - 26 f. Failing to take steps to monitor the volume or frequency of its customer's  
nitrous oxide product purchases and take reasonable steps – including, but not  
limited to, limiting sales, providing adequate warnings about the harms  
associated with nitrous oxide inhalation – once the volume and frequency of  
customers', including Decedent's, nitrous oxide purchases indicated such  
products were being used for recreational inhalation rather than culinary uses;
  - g. Recommending, supplying and selling inhalant paraphernalia, knowing that  
customers purchasing such paraphernalia in connection with nitrous oxide  
products intended such products to be used to inhale ingest, use or otherwise  
introduce nitrous oxide into the human body;

- 1 h. Supplying customers with large quantities of nitrous oxide that indicated
- 2 customers were using the nitrous oxide as a recreational drug;
- 3 i. Failing to institute and maintain adequate policies and procedures for ensuring
- 4 the nitrous oxide canisters it sold and supplied were not utilized for illicit
- 5 purposes;
- 6 j. Marketing, supplying, and selling nitrous oxide canisters and paraphernalia
- 7 that featured names, colors, designs, and flavors that suggest to users such as
- 8 Decedent that the nitrous oxide could be misused for illicit and recreational
- 9 purposes;
- 10 k. Promoting and encouraging recreational nitrous oxide use;
- 11 l. Targeting potential users of recreational nitrous oxide use;
- 12 m. Marketing nitrous oxide with items associated with drug culture, including
- 13 balloons, nozzles, tubing, and merchandise suggestive of recreational use, with
- 14 knowledge that so doing encourages and enables use of nitrous oxide for illicit
- 15 purposes;
- 16 n. Failing to adequately warn, instruct, or direct consumers about the
- 17 consequences of inhaling nitrous oxide;
- 18 o. Marketing, distributing and selling nitrous oxide containers with labels that are
- 19 false and misleading;
- 20 p. Marketing and promoting nitrous oxide products in a manner that encouraged
- 21 inhalation and thereby contradicted, discredited, and muted, any minimal
- 22 warning that may have existed on the packaging about not using the product as
- 23 an inhalant;
- 24 q. Failing to provide adequate warnings and instructions after the product was
- 25 manufactured. Based on the FDA Advisory and other factors, Amazon
- 26 learned, or a reasonably prudent seller should have learned, about the dangers
- associated with nitrous oxide canisters which rendered the product unsafe
- beyond the extent contemplated by an ordinary user – Defendants failed to
- adequately warn or instruct about that danger in the manner that a reasonably
- prudent seller would have done in the same or similar circumstances; and
- r. Such further negligence and carelessness as discovery and the evidence will
- reveal.

130. When inhaled by Decedent, the nitrous oxide products were in the same condition as when they were distributed, marketed, supplied and sold by Amazon.

131. Amazon knew or should have known that certain of its customers, like Decedent, were purchasing nitrous oxide with intent to use it as a recreational drug. Amazon nonetheless persisted in selling, supplying and distributing nitrous oxide products to

1 Decedent without adequate warnings and with flagrant, reckless, and willful disregard for  
2 whether it was likely to be consumed by Decedent and cause harmful effects.

3 132. That consumers, including Decedent, would purchase and inhale nitrous  
4 oxide products sold by Amazon was the natural and foreseeable result of Amazon's conduct.

5 133. Amazon knew that injury and death were substantially likely to occur as a  
6 result of the unreasonable, intentional, reckless, and careless acts or omissions as described  
7 above.

8 134. Had Amazon not breached its duty, Decedent would not have inhaled  
9 Defendants' nitrous oxide products or, at a minimum, would not have inhaled nitrous oxide  
10 products at the same concentration and frequency. Had Defendants provided adequate  
11 warnings and instructions about the risks of inhaling nitrous oxide, Decedent would have  
12 avoided, limited or modified her nitrous oxide inhalation to avoid or reduce injury.

13 135. Amazon's negligent acts were a substantial factor in causing Decedent's  
14 injuries and death.

15 136. As a direct and proximate result of the negligence of Amazon, Decedent  
16 sustained injuries including: a severe addiction to nitrous oxide, other severe physical, mental  
17 and emotional injuries, past and future pain and suffering, permanent cognitive and  
18 neurological impairment, and death.

19 137. The aforesaid acts, omissions and/or representations of Defendants involved  
20 an extreme degree of risk considering the probability and magnitude of the harm. Defendants  
21 had actual subjective awareness of the risk but proceeded with conscious indifference to the  
22 rights, safety, and welfare of Decedent and other consumers. Plaintiff is entitled to punitive  
23  
24  
25  
26

1 damages from Defendants to punish and to deter Amazon and others from similar conduct in  
2 the future.

3 138. WHEREFORE, Plaintiff prays for judgment against Amazon for  
4 compensatory damages, punitive damages, costs herein incurred, prejudgment interest, post-  
5 judgment interest, attorneys' fees and all other and further relief that may be just and proper  
6 under the circumstances.  
7

8 **COUNT IV**  
9 **OUTRAGE**  
10 *(Against Both Defendants)*

11 139. Plaintiff realleges all prior paragraphs as if set forth fully herein.

12 140. Amazon's conduct, as described in this Complaint, went beyond all possible  
13 bounds of decency and can only be regarded as atrocious and utterly intolerable in a civilized  
14 society.

15 141. Amazon's conduct was extreme and outrageous.

16 142. Amazon, by its outrageous conduct, intentionally and/or recklessly caused  
17 Decedent severe emotional distress, excruciating physical pain, and death.

18 143. Amazon, by its outrageous conduct, intentionally and/or recklessly caused  
19 Decedent's family, including Plaintiff, severe emotional distress.

20 144. WHEREFORE, Plaintiff prays for judgment against Amazon for  
21 compensatory damages for Decedent's pre-death physical and mental pain and suffering,  
22 disability, loss of earnings and earning potential, medical expenses, the mental and emotional  
23 distress of Decedent's family, funeral and burial expenses, and other compensatory damages,  
24 punitive damages, costs herein incurred, prejudgment interest, post-judgment interest,  
25  
26

1 attorneys' fees and all other and further relief that may be just and proper under the  
2 circumstances.

3 **VIII. DAMAGES**

4 145. As a direct and proximate result of Defendants' wrongful conduct, Decedent  
5 sustained serious and permanent injuries, including a severe addiction to nitrous oxide, and  
6 other severe physical, mental and emotional injuries, past and future pain and suffering,  
7 permanent cognitive and neurological impairment, and death. Decedent also incurred  
8 economic damages, including but not limited to medical expenses, lost income, and other  
9 compensable damages.  
10

11 146. As a direct and proximate result of Defendants' wrongful conduct and  
12 Decedent's death, the statutory beneficiaries have sustained damages, including but not  
13 limited to: (1) loss of Decedent's love, companionship, care, and consortium; (2) loss of  
14 Decedent's services and support; (3) loss of financial contributions, including net  
15 accumulation; (4) emotional distress and mental anguish; (5) other non-economic and  
16 economic damages as permitted by law.  
17

18 147. As a direct and proximate result of Defendants' wrongful conduct, Decedent's  
19 Estate has incurred and/or is liable for damages, including but not limited to, medical and  
20 hospital expenses; funeral and burial expenses; lost earnings and loss of earning capacity  
21 from the time of injury to the time of death; Decedent's pre-death pain and suffering, anxiety,  
22 emotional distress, and loss of enjoyment of life (to the extent recoverable under Washington  
23 law); and other economic and non-economic damages recoverable by the Estate under RCW  
24 § 4.20.046 and/or RCW § 4.20.060.  
25  
26

1 148. The aforesaid acts, omissions and/or representations of Defendants involved  
2 an extreme degree of risk considering the probability and magnitude of the harm. Defendants  
3 had actual subjective awareness of the risk but proceeded with conscious indifference to the  
4 rights, safety and welfare of Decedent and other consumers. Plaintiff is entitled to punitive  
5 damages from Defendants to punish and to deter Defendants and others from similar conduct  
6 in the future.

7  
8 122. The aforementioned damages are in an amount which will be proved at the  
9 time of trial.

10 **IX. NOTICE OF DEMAND FOR PRESERVATION**

11 123. This notice is to formally demand preservation of any evidence related to the  
12 subject incident. If Defendants fail to properly secure and preserve these important pieces of  
13 evidence, there may be a legal presumption that the evidence would have been harmful to  
14 Defendants' side of the case. Failure to preserve and maintain this evidence may result in the  
15 imposition of sanctions by a Court, after proper motion and hearing. The destruction,  
16 alteration, or loss of any evidence that Defendants are required to maintain could prove  
17 detrimental to Defendants' defense and request is made that it be preserved and not be  
18 destroyed, modified, altered, repaired or changed in any manner. IMMEDIATELY PRINT  
19 AND SAVE ON PAPER ALL ELECTRONIC RECORDS RELATED TO THE SUBJECT  
20 OF THIS PETITION IN ADDITION TO ELECTRONICALLY PRESERVING ALL  
21 ELECTRONIC RECORDS.  
22  
23

24 **X. REQUEST FOR TRIAL BY JURY**

25 124. Plaintiff hereby requests a trial by jury on all counts and as to all issues.  
26

**XI. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests the following relief:

- a. For special damages in an amount to be proven at the time of trial;
- b. For general damages in an amount to be proven at the time of trial;
- c. For punitive damages in an amount to be proven at the time of trial;
- d. For a judgment of liability against Amazon;
- e. For costs and disbursements herein;
- f. For pre- and post-judgment interest as allowed by law;
- g. For reasonable attorney fees and costs; and
- h. For such other and further relief as this Court deems just and equitable.

DATED: May 13, 2026

Respectfully submitted,

CORRIE YACKULIC | LAW FIRM PLLC

/s/ Corrie J. Yackulic

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