

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
SPOKANE DIVISION

SHELAH PALMER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

MITRA-9 Brands LLC,

Defendant.

Case No.

CLASS ACTION COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Shelah Palmer (“Plaintiff”) brings this action on behalf of himself and all others similarly situated against Defendant Mitra-9 Brands LLC (“Defendant”).

NATURE OF THE ACTION

1. This is a civil class action lawsuit against Defendant for false, misleading, deceptive, and negligent sales practices regarding its kratom seltzers, powders, and shots (the “Products¹”). Kratom is a dried leaf that is sold as a loose powder, packaged into capsules, or made into an extract. However, what reasonable consumers do not know, and Defendant fails to disclose, is that the “active

¹ The Products include all Mitra-9 Kratom seltzers in their varying flavors, the kratom powder drink mixes in their varying flavors, and the kava kratom shots in their varying flavors.

1 ingredients” in kratom are similar to opioids. That is, kratom works on the exact
2 same opioid receptors in the human brain as morphine and its analogs, has similar
3 effects as such, and critically, has the same risk of physical addiction and
4 dependency, with similar withdrawal symptoms. When reasonable consumers think
5 of opiates and opioids, they think of heroin, fentanyl, hydrocodone, oxycodone, and
6 morphine; they do not expect that the “all natural” product bought at their local
7 corner store operates like an opioid, with similar addiction and dependency risks.
8 Kratom is perniciously addictive – on an entirely different level than caffeine or
9 nicotine – and it has sunk its hooks into tens of thousands of unsuspecting consumers
10 and caused them serious physical, psychological, and financial harm. Defendant has
11 intentionally and negligently failed to disclose these material facts anywhere on its
12 labeling, packaging, or marketing materials, and it has violated warranty law and
13 state consumer protection laws in the process.

14 2. Defendant relies on its Products’ innocuous packaging and the public’s
15 limited knowledge about kratom and its pharmacology to get users addicted, while
16 reaping profits along the way. Reasonable consumers do not expect the seltzers,
17 pouches of kratom powder, and shots, which they can purchase at gas stations and
18 corner stores, to contain a Product with the same addictive potential of morphine and
19 its analogs. Defendant relies on this ignorance and does nothing to correct it. Such
20 activity is outrageous and is in contravention of Washington law and public policy.

21 3. Defendant and its officers have engaged in a systemic effort to peddle
22 an addictive substance to unsuspecting and oftentimes vulnerable consumers.
23 Plaintiff seeks relief in this action individually, and as a class action on behalf of
24 similarly situated purchasers of Defendant’s Products, for: (i) violation of the
25 Washington Consumer Protection Act: RCW Chapter 19.86 (ii) breach of implied
26 warranty; (iii) unjust enrichment; (iv) fraud by omission; and (v) negligent
27 misrepresentation.

1 **PARTIES**

2 4. Plaintiff Sheelah Palmer is a citizen and resident of Springdale,
3 Washington. He first purchased the Products in 2019, during which time he was a
4 resident of Washington. Plaintiff Palmer purchased the Products from smoke shops
5 and gas stations in Washington. Plaintiff Palmer did not believe the Products to be
6 harmful and was not aware that the Products carried a potential risk of being
7 addictive. Plaintiff Palmer reviewed the Products' packaging before making his
8 purchase and relied on Defendants' representations in deciding to purchase the
9 Products. A warning on the Products packaging would have corrected his belief, but
10 there was none. Several months after beginning to consume the Products, Plaintiff
11 Palmer first experienced withdrawals when one day he tried to consume less of the
12 Products and began experiencing withdrawal symptoms including cold sweats, extreme
13 irritability, restless leg syndrome, and insomnia. Plaintiff Palmer had never
14 experienced anything like that before. Had Plaintiff Palmer known that the Products
15 were highly addictive, or posed a risk of addiction, by way of a warning on the
16 Products' packaging, he would have never purchased them.

17 5. Defendant Mitra-9 Brands LLC is a Florida limited liability company
18 with its headquarters located in Fort Meyers, Florida. Defendant markets, sells, and
19 distributes the Products throughout the United States, including in Washington.
20 Defendant manufactured, marketed, and sold the Products at issue at all times during
21 the relevant class period.

22 **JURISDICTION AND VENUE**

23
24 6. This Court has subject matter jurisdiction over this action pursuant to 28
25 U.S.C. § 1332(d) because there are more than 100 class members and the aggregate
26 amount in controversy exceeds \$5,000,000, exclusive of interest, fees, and costs, and
27 at least one Class member is a citizen of a state different from Defendant.
28

1 7. This Court has personal jurisdiction over the parties because Plaintiff
2 Palmer resides in Washington, is a citizen of Washington, and submits to the
3 jurisdiction of the Court, and because Defendant has, at all times relevant hereto,
4 systematically and continually conducted, and continues to conduct, business in this
5 District. Defendant therefore has sufficient minimum contacts with this state,
6 including within this District, and/or intentionally availed itself of the benefits and
7 privileges of the Washington consumer market through the promotion, marketing,
8 and sale of its products to residents within this District and throughout this State.
9 Additionally, Defendant marketed and sold its kratom to Plaintiff in this District.

10 8. Venue is proper in this District pursuant to 28 U.S.C. § 1391 because
11 regularly does business in this District and the same misrepresentations, omissions,
12 and injures giving rise to the claims alleged herein have occurred in this District
13 (e.g., the distribution and sale of Kratom to Plaintiff, and Plaintiff's subsequent
14 addiction to kratom).

15 **FACTUAL ALLEGATIONS**

16 **A. Background and Pharmacology of Kratom**

17 9. "Kratom" refers to the substance derived from the leaves of a tropical
18 tree, *mitragyna speciosa* (the "kratom plant"), indigenous to Southeast Asia, where it
19 has been used in herbal medicine since the 19th Century. Kratom's first reported use
20 in scientific literature was in 1836, when it was noted that Malays used kratom tree
21 leaves as a substitute for opium. Historic use of the kratom plant was particularly
22 well-documented in Thailand, Indonesia, and Malaysia, where kratom remains
23 popular to this day.

24 10. Kratom is the most widely used drug in Thailand. This popularity does
25 not mean Thailand believes kratom is harmless. To the contrary, Thailand
26 understands that kratom is dangerous, as demonstrated by its ban of the substance in
27
28

1 1943.² Kratom was also historically popular in Malaysia until it was banned in 1952
2 under the Poisons Act.

3 11. Kratom's varying, dose-dependent, effects have historically been part of
4 its appeal. For instance, the earliest accounts of kratom characterize kratom use for
5 both a stimulant effect during hard day-labor by chewing fresh kratom leaves, and
6 also as an analgesic or for relaxation by brewing kratom into a tea.

7 12. In the Western world, kratom is sold online and at herbal stores, gas
8 stations, corner stores, smoke shops, and "head" shops where it is primarily marketed
9 as an herbal medicine or natural supplement to use to "treat" a variety of ailments
10 (e.g., pain, mental health, opioid withdrawal symptoms), and/or to obtain a "legal" or
11 "natural" high.

12 13. To create consumable kratom products, kratom plant leaves are
13 harvested, dried, and crushed into a fine powder that is then packaged and sold in
14 pouches, capsules, or liquid formulations.³

15 14. The chemicals in the kratom plant which produce a psychoactive effect
16 when ingested are called "alkaloids." "Alkaloids" are a class of various naturally
17 occurring organic chemical compounds. The primary alkaloids in kratom leaves
18 responsible for kratom's effects are mitragynine ("MG") and 7-hydroxymitragynine
19 ("7-OH").

20 15. MG and 7-OH produce a wide spectrum of effects because they interact
21 with many different receptors in the brain. Studies show that MG and 7-OH interact
22 with alpha-2 adrenergic receptors (adrenaline), D2 dopamine receptors, and the
23

24 ² In 1943, Thailand banned the possession, use, and propagation of kratom, and later
25 banned all kratom sales, imports, exports, and consumption all together. However,
26 in 2021, Thailand decriminalized possession of kratom in response to a growing
27 pressure on its justice system to fix the country's overcrowded prisons through
28 liberalization of its drug laws.

³ When kratom leaves are extracted into a liquid formulation, this is colloquially
called a kratom "extract shot."

1 serotonin receptors (5-HT2A and 5-HT2C), all of which contribute to kratom's
2 mood-lifting and stimulant-like effects.

3 16. Most crucially, MG and 7-OH interact with the mu-opioid receptor.
4 The mu-opioid receptor produces the most addictive or habit-forming effects, such as
5 euphoria and analgesia. For this reason, the mu-opioid receptor is known as "the
6 gateway to addiction" because it is the receptor which all opioids interact with to
7 produce the classic opioid high feelings of euphoria, sedation, and pain relief.

8 17. MG and 7-OH cause a variety of pharmacological effects depending on
9 their potency, resulting in a highly dose-dependent response to each kratom product.
10 For example, a low dose (0.5 grams to 3 grams) is typically described as stimulating
11 or energizing, whereas a high dose (3+ grams) is typically described as euphoric,
12 sedating, and analgesic. Nonetheless, in sufficient doses, kratom's effects are
13 substantially similar to those of opioids and other drugs.

14 18. Accordingly, kratom is referred to as a "quasi-opiate" by health
15 professionals because of its opioid-like characteristics. This concept that kratom is
16 essentially an opioid is affirmed by several facts: first, as discussed above, kratom's
17 effects are substantially similar to those of opioids; second, kratom alleviates opioid
18 withdrawal symptoms; and third, repeated use of kratom causes opioid withdrawal
19 symptoms.

20 19. Opioids are addictive not only because of the pleasurable effects that
21 they produce, but also because sudden cessation of opioid use causes severe
22 withdrawal symptoms which users feel compelled to avoid by taking more of the
23 drug. The tragedy of addiction is that users want to stop but cannot.

24 20. All substances that act on the opioid receptors carry a high risk of
25 addiction, and kratom is no exception. Addiction occurs when an opioid is ingested
26 on a regular basis and, over time, the user develops a tolerance to the drug that
27 requires the user to consume an increased dose of the drug to achieve the same
28

1 effects a lower dose previously had. As these doses increase, the body becomes
2 dependent on the drug to feel normal and function properly. When the drug is
3 suddenly taken away or the user tries to stop taking the drug, withdrawal occurs.
4 Withdrawal symptoms cause the user to feel much worse than they did before they
5 started taking the drug and can be extremely painful and intolerable to the user.

6 21. Indeed, kratom withdrawal symptoms are very similar to those of
7 traditional opioid withdrawal. These symptoms include irritability, anxiety,
8 difficulty concentrating, depression, sleep disturbance, including restless legs,
9 tearing up, runny nose, muscle and bone pain, muscle spasms, diarrhea, decreased
10 appetite, chills, inability to control temperature, extreme dysphoria, and malaise.

11 22. Users typically start substances like kratom because of how good it
12 makes them feel, but once addicted, they use kratom to avoid the pain and sickness
13 of withdrawal. Use is no longer is about getting high, but about not feeling “sick.”

14 23. Kratom users state that kratom addiction is unique in the way it sneaks
15 up on them. What is particularly insidious about kratom, they describe, is that
16 because they are unaware of kratom’s negative side effects and its addictive
17 potential, when they begin to experience the negative symptoms attributable to
18 addiction in the early stages of taking kratom products, they do not attribute it to the
19 kratom. Instead, kratom users then take more kratom believing the kratom
20 companies’ claims that kratom will help them feel better.

21 24. Long-term kratom users further report experiencing depression, anxiety,
22 anhedonia, and reduced sex drive due to their kratom use.

23 **B. Kratom Use and Addiction in the United States**

24 25. Kratom use in the United States has exploded over the past decade. As
25 of 2023, the American Kratom Association estimates that kratom is a 1.5 billion
26 dollar a year industry, with 11-15 million annual users in the United States, up from
27 3-5 million users in 2016.

1 26. Kratom's popularity is attributed to several factors: first, kratom is
2 marketed as a safe substitute for painkillers and so it appeals to consumers who
3 falsely equate "natural" with "safe;" second, kratom has received media attention as
4 a "nootropic" or "smart" drug because it is stimulating at low doses; third, kratom is
5 widely available and unregulated within the United States; fourth, it produces a
6 "pleasurable" high; and lastly, users are unaware of kratom's opioid-like
7 characteristics, addiction, and withdrawal potential.

8 27. However, kratom is still generally a relatively unknown substance to the
9 average consumer, and most people have never heard of it. Kratom sellers advertise
10 that it is a substitute for coffee, a pain reliever, a treatment for opioid withdrawal, an
11 antidepressant, an anti-anxiety supplement, and that it improves focus and gives
12 users a boost of energy to get through the day. These kratom companies universally
13 reiterate these purported "benefits" of kratom consumption, without disclosing any
14 of the corresponding harms of kratom use.

15 28. Further, because kratom does not produce as extreme of a "high" as
16 cocaine or heroin, it is easy for users to take kratom daily without realizing they are
17 developing an addiction and harming themselves. This makes kratom particularly
18 insidious as addiction sneaks up on unsuspecting and uninformed users.

19 29. As a result of kratom manufacturers, retailers, and advertisers failing to
20 warn consumers of kratom's addictive potential, many kratom users find themselves
21 blindsided when they stop taking kratom and find themselves facing severe
22 withdrawal symptoms after having stopped using what they thought was a harmless
23 supplement. Further, because kratom is relatively unknown in the United States,
24 there are not well-established recovery resources for addicted users to turn to for
25 resources and aid. Some kratom users turn to the Internet for support, and there are
26 well-populated and very active Internet forum support groups for consumers
27 struggling with, and recovering from, kratom addictions.

1 **30.** The reports from addicted kratom users are heart-wrenching. Consistent
 2 among these reports is a feeling of initial shock when users realized they had become
 3 unknowingly addicted to kratom, and how difficult it was to stop their kratom use.
 4 Below are several accounts from the “Quitting Kratom” forum on www.reddit.com,
 5 which has over 45,000 members as of October 2024:⁴

6 One user wrote: “I’ve been on a 50gpd [grams per day] habit for about 4
 7 years. Like most people here, **I was in denial that the Kratom was**
 8 **causing my multitude of issues. How could it be the Kratom when**
 9 **everyone keeps telling me how great it is?** I made myself believe that
 10 I had underlying issues that the Kratom was helping. Spoiler: It wasn’t.
 11 **I slowly became a shell of the person I used to be. TRUE clinical**
 12 **depression symptoms with zero joy in my life.** I started browsing this
 subreddit and reading everyone’s stories and I related to every single one.
 13 **Everyone had the same exact experience I had and at that moment I**
 14 **knew it was the Kratom causing my depression.”** (emphasis added).

15 A gas station employee wrote: “I work at a gas station where we sell
 16 kratom such as powders, gold and silver pills and especially shots etc
 17 (you know which one I’m talking about) **it’s just mind blowing to me**
 18 **how many people are practically addicted and how many customers**
 19 **literally scavenge their money to pay for their daily shot.** Why are
 20 people so addicted especially to those shots.”

21 Another user solicited “extract horror stories” – one user responded:
 22 “Took 2-3 shots a day for almost 2 years. How did it screw me up? Let
 23 me count the ways. Financially it was draining me, 100%! **I would**
 24 **estimate 60% of my hair fell out. My skin was grey. My eyes were**
 25 **dark. I became a hermit.** No longer wanted to do anything, including
 26 self care or hygiene. Just taking a shower was a chore I had to talk myself
 27 into the last few months. I was disgusting and did not care at all. **All I**
 28 **cared about was that I had enough K for tomorrow.”**

 In response to the same “extract horror stories” post, another user
 responded: “I used [kratom extract] pills and sometimes the shots for
 over 5 years. I’m now 290 days clean from them. **They were so hard to**
kick bc of how addicting they are. And you can just walk in the store
 and buy them. I was spending \$45 day on this stuff. **I wasted tens of**
thousands of dollars on it and my life suffered. Lots of my hair fell
 out and it’s only now starting to grow back some, I think most of it is
 gone for good. I’m repairing my marriage and friendships. Everything.
 Stay away from this stuff.”

⁴ See <https://www.reddit.com/r/quittingkratom>.

1 Another user responded: "Amen. This shit got hold of me as bad as
2 anything else I've ever done... spent WAY more money on these fucking
3 things than real honest to God hard drugs back in the day. **Anywhere**
4 **from 6-10 of these things daily for... years. Let's call it 7 at an average**
5 **of \$18/pop = \$126/day x 30 = \$3780/month = about \$45k/year.** How
6 fucking embarrassing. I made \$140,000 last year living in Georgia
7 (pretty low cost of living) and pretty regularly get busted "borrowing"
8 money from my 10 year old son. Fuck this; I'm not living like this
9 anymore."

10 About 2 years ago, another user wrote: "I saw 'A Leaf of Faith' and got
11 the impression that kratom was a generally friendly substance to use
12 freely, never knowing how addictive it was, how much it was further
13 numbing me beyond how alcohol already was, how it was slowly wiping
14 out my sex drive, and likely contributing to my perpetual brain fog. ...
15 My second attempt [at quitting] was maybe another 7 or 8 months later.
16 Kratom was making me pretty miserable. I was reading posts in this
17 subreddit and I was finally aware of how addicted I was; feeling crappy,
18 sluggish, and sorta spacey pretty much all the time."

19 About 2 years ago, another user wrote: "What a difficult journey it has
20 been. I was a ~75 GPD [grams per day] user. **Quitting kratom was one**
21 **of the hardest things I've had to do in my life.** I learned the hard way
22 that kratom causes withdrawals on a work trip 3 years ago. I should have
23 stopped then and there but I gave in because the RLS was so bad. ...
24 **Kratom withdrawal is seriously no joke so don't think you're the**
25 **only one struggling so much.** I'm only a week free but after this
26 experience I know for sure that I will never go back. Good luck
27 everyone!" (emphasis added).

28 About 2 years ago, another user wrote a post titled *Kratom Is An Addictive Drug*. It said, in part: "It's been 23 hours since my last dose. **I just wanted to give my story hoping that it would help others see that they've been lied to, deceived and manipulated into thinking this plant is 'harmless and safe'.** As a matter of fact, reading the horror stories on this subreddit was the first step in my recovery... I started taking it almost 3 years ago after hearing about it on... well, Reddit. They touted it is a miracle plant that had all the benefits of an opioid with none of the side effects." (emphasis added).

About 19 months ago, another user wrote: "**I think the perfect word to describe Kratom addiction is 'insidious'.** Here is the definition – *'proceeding in a gradual, subtle way, but with harmful effects.'* I think this is why it takes so long to realize what is going on. There was never a rock bottom moment for me like there would be for other more conventional abused drugs. No overdose, no bad behavior, no

1 abusiveness to my family, no DWI, etc.. - It was just a lazy, slow descent
2 into nothingness. I was living in a groundhogs day type of existence.
3 Wake up, go to work, leave work, buy an extract shot or 2, have dinner,
4 drink my shot, mindlessly look at my phone and/or watch TV. Wake up
and do it all over again.” (italic emphasis in original, bold emphasis
added).

5 About 12 months ago, another user wrote: “I started using k[ratom] when
6 I had knee surgery Dec 2019 so 3 years. **I didn’t want to use pain**
7 **killers because I got sober from alcohol 3/6/2018 and i felt the pain**
8 **killers were going to make me relapse.** I didn’t know I would end up
in a worst place as I am now.” (emphasis added).

9 About 2 years ago, another user wrote: “Was in bed all day yesterday
10 fighting withdrawals. I used to even be an athlete - strong lean and fit,
11 until I got on [kratom] shots and extracts. Didn’t even get high any more
- just wanted to not feel bad.”

12 About 4 years ago, another user wrote: “I researched kratom before using
13 it and almost every site promoted that its harmless with healthy benefits,
14 and that its withdrawals are like coffee for 3 days max. Information
15 wasn’t clear that kratom could become a negative addiction that takes
16 months to recover” ... **“I took something I thought was helping me for**
17 **1.5-2 years, not even knowing the downsides bc that information was**
18 **so misleading. It fucked up my digestion, energy, mood, brain fog,**
19 **anxiety, etc. Fuck kratom, and fuck those who peddle it as a**
20 **harmless cure-all.”** (emphasis added)

21 About 10 months ago, another user wrote: “For any newcomers: this stuff
22 is absolutely no joke. It’s not harmless and the wd [withdrawal]
23 is *definitely* **not** like caffeine. I’ve cold turkey’d caffeine before and I
24 had a slight headache for a couple hours. I definitely have never woken
25 up in a pool of my own sweat from not having my caffeine. ... **This stuff**
26 **is a drug. A serious drug. And it’s super freakin addictive. Extracts,**
27 **powder, or in my case, capsules...it doesn’t matter.** Yes some forms are
28 more addictive than others but the WD is hellacious no matter how
you’re taking it.” (emphasis added).

29 About 10 months ago, another user wrote: “This stuff is a drug, and
30 dangerous! **I started taking it because of all the good things I heard**
31 **and read about it.** I’ve never been addicted to or dependent on anything
32 before, but this stuff has totally taken control of my life.” (emphasis
added).

33 About 9 months ago, another user wrote: “I finally realized a few weeks
34 ago how much of a negative impact kratom was having on my life. I
35 noticed myself planning my whole day around my doses and making sure

1 when I left the house I'd bring an extra dose with me in a shaker bottle.
2 It was heavily affecting my mood overall, but especially in public
3 settings. I did not want to leave my house most days even if I did dose."

4 About 9 months ago, another user wrote: "I have been taking OPMS
5 black pills for about a year now. It has ran my bank dry. When I wake
6 up in the morning I fucking crave this shit. I have never been addicted
7 to opiates or anything like that. I get to the point where I am going to go
8 cold turkey and am so confident but when I wake up my brain makes me
9 think its okay to go get it. I cant talk to anyone about this in my family
10 or friends. I have a very high stress job and am also going through a
11 nasty break up. I feel so alone with trying to stop and when I betray
12 myself and go to get more, i fight back tears in the parking lot (I am a
13 grown ass man). I am not an emotional person and in my environment
14 theres no room for emotions. Should I tapper off? What the fuck do I
15 do?"

16 About 3 months ago, another user wrote: "I was taking one to two opms
17 gold shots a day (sometimes three) for about two years straight. When
18 the 24hr mark hit the withdrawals kicked in hard. I had become
19 absolutely obsessed with scavenging 20\$ togther to make sure I got my
20 shot each day. Constantly driving to the shop, hoping no one would see
21 me pop out. I wanted to quit every night but just couldn't stand the
22 withdrawals. I finally quit (on day 17 ct) with the help of a quit buddy I
23 found in this sub. I'm still not right at all, RLS is there and my sleep is
24 still off. I'm sneezing more than I ever have. But, music is back, I have
25 more money in my pocket and I feel free from the grips. I've still got a
26 long ways to go but am committed to never touching that shit again. It
27 brought out the worst version of me."

28 31. This Internet forum is filled with accounts just like these. The stories
are consistent – well-meaning people who were looking to feel better, in mind body
and spirit, by taking an "herbal supplement," only to end up with an opioid-like
addiction.

32. As these accounts make clear, the addictive potential of kratom is a
material fact to reasonable consumers which would help inform their purchase and
consumption decisions. Defendant's Products have no warnings, whatsoever, that
kratom is similar to an opioid, is habit-forming, and that regular use will result in
opioid-like dependency with withdrawal symptoms similar to those of traditional
opioids.

1 33. Consumers who knew the truth about kratom would not have purchased
2 Defendant's Products or would have paid less than they did for them.

3
4 **C. Defendant Knew or Should Have Known it was Selling**
5 **a Highly Addictive Drug to Unsuspecting Consumers**

6 34. Despite its traditional medical uses, kratom dependence has been known
7 and observed for a long time and is well-documented in Southeast Asia, where the
8 plaint originates and has the longest history of use. Addiction to kratom among users
9 in Thailand, Indonesia, and Malaysia has been documented by scientists and
10 researchers in the United States since at least 1988.

11 35. To reiterate, this is not an instance where scientific merit is still up for
12 debate. Western civilization has known for decades that kratom is highly addictive
13 and has the potential to cause physical and psychological dependence in regular
14 users. In Southeast Asia, it has been known for over a century that kratom is
15 addictive. For example, a 2007 study found that 2.3% of people in Thailand have
16 used kratom, and that many of those users developed a dependence on kratom to
17 avoid withdrawal.

18 36. However, the fact that kratom's addictive potential has been known in
19 the *scientific community*, does not mean that the general public is aware of it.
20 Indeed, most consumers do not know what kratom is and have no idea how addictive
21 it is.

22 37. Defendant operates under the brand name Mitra-9 and sells kratom
23 extract seltzers, shots, and powders. But no matter what Product consumers take,
24 they are exposed to significant levels of addictive alkaloids.

25 38. Upon information and belief, Defendant has interacted with growers and
26 distributors in Southeast Asia who have disclosed the addictive nature of kratom to
27 it.
28

39. Even without such interactions, Defendant has received numerous user reports about the addictive potential of kratom in the United States.

EXPERIENCE

THE MITRA9 DIFFERENCE

Mitra9 compliments active lifestyles every day with our unique, plant-based beverages. Our specially designed formula offers a delicious alternative to help you sail through your workday or support your post-workout routine. Mitra9 is here to harmonize with your daily rhythm and help you remain focused on your goals. Crafted with the finest ingredients, Mitra9 products are gluten-free, plant based, low in calories, and naturally flavored. We prioritize transparency in our process, providing lab tested results for our high-quality kratom and kava sourced responsibly. Savor the distinct taste of Mitra9 and buy online today.

40. Therefore, Defendant knew or should have known that the Products it was selling were highly addictive.

41. Despite this knowledge, Defendant failed to disclose the addictive potential of its Products on its website or anywhere on its Products' packaging.

42. Instead, Defendant advertises its Products like they are some sport drink for health conscious individuals with “active lifestyles....”.

43. Indeed, for its Blue Razz Kava Kratom Shot, Defendant markets the Product as if it were a harmless “pick-me-up” and packages the Product in a bottle that looks just like a 5-hour energy drink.

44. By using phrases like “[f]orget ordinary supplement drinks this unique blend of kratom and kava is the perfect way to shake things up,” Defendant downplays the seriousness of the drug it is selling to consumers and instead attempts to conjure an impression of kratom as an all-natural alternative to caffeine. Such language is deceitful and harmful to consumers who rely on Defendant’s Product statements when making their purchasing decisions.

45. Indeed, the seltzers marketed specifically as being “non-alcoholic” are likely to entice consumers to purchase the Products who already are seeking to avoid the addictive tendencies that drinking can trigger.



TH BLUE RAZZ
S!

Blue Razz Kratom Kava Shot is
blue raspberry flavor, only 20
hot is your next-level pick-me-
nks this unique blend of
to shake things up.

can keep Blue Razz ready
u're looking to fuel your day or
will bring the spark you're

FORMATION

ESTION

et Pin it

1 46. There is no warning to consumers that the Products interact with opioid
2 receptors, nor is there any warning that the Products are highly addictive and should
3 not be taken on a daily basis.

4 47. Further, the packaging itself is innocuous. The light colors, pictures of
5 leaves and fruit, and the constant representations of “good vibes” evoke a sense of
6 lightness and connection to nature. Nothing about this packaging would lead
7 reasonable consumers to believe they were purchasing compounds similar to opioids,
8 that act on the same mu-opioid receptors in the brain as opioids do. Nor would the
9 packaging lead reasonable consumers to presume that kratom is highly addictive.

10 48. Addiction is a disease, a medical condition. Thus, any product which
11 carries an addiction risk poses a concurrent health hazard, which is a material fact to
12 consumers. Accordingly, Defendant’s Products carry the threat of an unreasonable
13 health hazard which Defendant was obliged to disclose to consumers on its Products’
14 packaging.

15 49. Further, those seeking to avoid alcoholism and other addictions may be
16 drawn in by Defendant’s statements about kratom without knowing that they risk
17 trading one addiction for another. Defendant has an obligation not only to remove
18 such harmful statements from its website, but to warn consumers about the potential
19 risks of taking kratom and to provide such a warning on the Product labels.

20 50. The consequences of kratom addiction are not mild: “in humans, opioid-
21 like withdrawal symptoms have been reported following cessation of kratom use,”
22 though “the withdrawal syndrome appears to be less severe than withdrawal from
23 morphine.”

24 51. While kratom withdrawal may be “less severe” than morphine
25 withdrawal, that is hardly a seal of approval – morphine withdrawal is one of the
26 most unpleasant experiences that one can endure in modern life. And kratom
27 withdrawal, while perhaps “less severe” than morphine withdrawal, is still an
28

1 “opioid-like withdrawal” (according to the World Health Organization), with the
2 same physical and mental symptoms.

3 52. The risk of “opioid-like withdrawal symptoms” is a material fact to
4 reasonable consumers.

5 53. As a kratom product manufacturer and distributor, Defendant occupied
6 a position of superior knowledge to the average reasonable consumer, who likely
7 knows next to nothing about kratom.

8 54. Defendant, through its misleading advertising and its failure to disclose
9 kratom’s addictive properties on its Products’ labels, relied upon the average
10 consumer’s incomplete knowledge of kratom to sell its Products and get users
11 addicted to kratom.

12 55. The very fact that Defendant possesses the capability to manufacture
13 these Products shows that it understands the pharmacokinetic nature of kratom and
14 the substantial risk of addiction that it poses to consumers. Despite this, Defendant
15 markets its Products as if they are nothing more than over-the-counter energy drinks
16 or nootropic supplements.

17 56. Defendant fails to disclose kratom’s addictive potential because
18 Defendant knows that it is a material fact to reasonable consumers which would
19 influence their purchasing and consumption decisions, likely to Defendant’s
20 detriment.

21 57. By any metric, Defendant’s conduct is immoral, unethical, and contrary
22 to Washington public policy.

23 58. The United States is going through an opiate crisis that is shaking the
24 foundations of our society. Amid this crisis, Defendant is creating more addicts for
25 no reason other than to line its pockets, without adequate disclosures of its Products’
26 risks and through the use of false and misleading packaging. That cannot – and
27
28

1 should not – be allowed, at least when their conduct entails breaches of warranty and
2 violation of state consumer protection statutes (as it does here).

3
4 **CLASS ALLEGATIONS**

5 59. ***Class Definition.*** Plaintiff brings this action as a class action pursuant
6 to Federal Rules of Civil Procedure 23(a), 23(b)(2), and 23(b)(3), on behalf of
7 himself and all other similarly situated consumers, and seeks to represent a class (the
8 “**Class**”) defined as:

9 All persons in the United States who, within the applicable
10 statute of limitations period, up to and including the date of
11 final judgment in this action, purchased Mitra-9 kratom
products.

12 60. Plaintiff also seeks to represent a subclass of all Class members who
13 purchased Defendant’s Products in Washington, within the applicable statutory
14 period (the “**Washington Subclass**,” collectively, together with the **Class**, the
15 “**Classes**”).

16 61. Specifically excluded from the Classes are Defendant and any entities in
17 which Defendant has a controlling interest, Defendant’s agents and employees, the
18 judge to whom this action is assigned, members of the judge’s staff, and the judge’s
19 immediate family.

20 62. Plaintiff reserves the right to amend the definition of the Classes if
21 discovery or further investigation reveals that the Classes should be expanded or
22 otherwise modified.

23 63. ***Numerosity.*** Members of the Classes are so numerous that their
24 individual joinder herein is impracticable. On information and belief, the Classes
25 comprise of at least thousands of consumers throughout Washington and the United
26 States. The precise number of Class members and their identities are unknown to
27 Plaintiff at this time but may be determined through discovery. Class members may
28

1 be notified of the pendency of this action by mail and/or publication through the
2 distribution records of Defendant.

3 64. ***Commonality and Predominance.*** Common questions of law and fact
4 exist as to all Class members and predominate over questions affecting only
5 individual Class members. Common legal and factual questions include, but are not
6 limited to:

- 7 a. whether the labels on Defendant's Products have the capacity to
8 mislead reasonable consumers;
- 9 b. whether Defendant knew that kratom is a highly addictive
10 substance;
- 11 c. whether Defendant had a duty to inform consumers about the
12 risks inherent to consumption of its Products;
- 13 d. whether Defendant's conduct alleged herein violated the
14 Washington Consumer Protection Act: RCW 19.86;
- 15 e. whether Defendant's conduct alleged herein constitutes unjust
16 enrichment;
- 17 f. whether Defendant's conduct constitutes negligent omission;
- 18 g. whether Plaintiff and the Class are entitled to damages and/or
19 restitution; and
- 20 h. whether Plaintiff and the Class are entitled to attorneys' fees
21 and costs.

22 65. ***Typicality.*** Plaintiff's claims are typical of the claims of the Class in
23 that Plaintiff and the Class sustained damages as a result of Defendant's uniform
24 wrongful conduct, based upon Defendant's failure to inform Plaintiff and all others
25 similarly situated that its Products are highly addictive and operate similarly to
26 opioids.

27 66. ***Adequacy.*** Plaintiff will fairly and adequately protect Class members'
28 interests. Plaintiff has no interests antagonistic to Class members' interests, and
Plaintiff has retained counsel that have considerable experience and success in
prosecuting complex class-actions and consumer-protection cases.

67. ***Superiority.*** A class action is superior to all other available methods for the fair and efficient adjudication of this controversy for, *inter alia*, the following reasons: prosecutions of individual actions are economically impractical for members of the Class; the Class is readily definable; prosecution as a class action avoids repetitious litigation and duplicative litigation costs, conserves judicial resources, and ensures uniformity of decisions; and prosecution as a class action permits claims to be handled in an orderly and expeditious manner.

68. Defendant has acted or failed to act on grounds generally applicable to the Class, thereby making appropriate final injunctive relief with respect to the Class as a whole.

69. Without a class action, Defendant will continue a course of action that will result in further damages to Plaintiff and members of the Class and will likely retain the benefits of its wrongdoing.

70. Based on the foregoing allegations, Plaintiff's claims for relief include those set forth below.

COUNT I

Violation of the Washington Consumer Protection Act: RCW Chapter 19.86

71. Plaintiff incorporates each and every factual allegation set forth above.

72. Plaintiff brings this cause of action on behalf of himself and members of the Washington Sub Class.

73. Defendant has violated the Washington Consumer Protection Act (CPA), RCW Chapter 19.86.

74. Section 19.86.020 of the CPA states, “[u]nfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.” RCW § 19.86.020.

75. Under the CPA, “[p]rivate rights of action may ... be maintained for recovery of actual damages, costs, and a reasonable attorney’s fee. A private

1 plaintiff may be eligible for treble damages.” Washington Pattern Jury Instruction
2 Civil No. 310.00 (Consumer Protection Act—Introduction) (internal citations
3 omitted); RCW § 19.86.090.

4 76. Defendant engages in the conduct of trade or commerce within the
5 meaning of the CPA. Defendant does this by selling kratom products in a manner
6 that directly and indirectly affects people of the state of Washington.

7 77. As alleged more fully above, Defendant made and disseminated untrue
8 and misleading statements of facts in its advertisements and on its Products’
9 packaging to class members, constituting acts of unfair methods of competition
10 and/or unfair or deceptive acts or practices.

11 Unfair Acts or Practices

12 78. As alleged in detail above, Defendant committed “unfair” acts by failing
13 to inform consumers that its Products were addictive. This caused Plaintiff and the
14 class to make purchases they otherwise would not have made and deprived them of
15 their expectancy interest in receiving the Products as advertised.

16 79. The harm to Plaintiff and the class greatly outweighs the public utility
17 of Defendant’s conduct. There is no public utility to misrepresenting the
18 addictiveness of a consumer product. Plaintiff and the sub-class’s injury was not
19 outweighed by any countervailing benefits to consumers or competition. Misleading
20 consumer products only harm consumers.

21 Deceptive Acts or Practices

22 80. As alleged in detail above, Defendant’s representations that its Products
23 are not addictive were false and misleading.

24 81. Defendant’s representations were likely to deceive, and did deceive,
25 Plaintiff and other reasonable consumers. Defendant knew, or should have known
26 through the exercise of reasonable care, that these statements were inaccurate and
27 misleading.

* * *

82. Defendant's misrepresentations were intended to induce reliance, and Plaintiff saw, read, and reasonably relied on the statements when purchasing the Product. Defendant's misrepresentations were a substantial factor in Plaintiff's purchase decision.

83. In addition, class-wide reliance can be inferred because Defendant's misrepresentations were material, i.e., a reasonable consumer would consider them important in deciding whether to buy the Products.

84. Defendant's misrepresentations were a substantial factor and proximate cause in causing damages and losses to Plaintiff and the class.

85. Plaintiff and the class were injured as a direct and proximate result of Defendant's conduct because they would not have purchased the Products if they had known the truth.

86. Defendant's acts or omissions are injurious to the public interest because these practices were committed in the course of Defendant's business and were committed repeatedly before and after Plaintiff purchased Defendant's Products. They are part of a pattern of unfair and deceptive advertisements. These actions have injured other persons, and, if continued, have the capacity to injure additional persons.

COUNT II

Breach of Implied Warranty

87. Plaintiff realleges and reincorporates by reference all paragraphs alleged above.

88. Plaintiff brings this claim individually and on behalf of the Classes against Defendant.

89. This claim is brought pursuant to the laws of the State of Washington.

1 90. Defendant, as the designer, manufacturer, marketer, distributor, and/or
2 seller of the Products, impliedly warranted that that kratom is not addictive and does
3 not cause opioid-like withdrawal symptoms.

4 91. Defendant breached this warranty implied in the contract for the sale of
5 its kratom Products because the Products could not pass without objection in the
6 trade under the contract description: the kratom Products were not adequately
7 contained, packaged, and labeled as per Defendant's contract with Plaintiff and
8 members of the Classes, and the Products do not conform to the implied affirmations
9 of fact made on the marketing and packaging for the Products that the Products are
10 not addictive and do not cause withdrawals. U.C.C. §§ 2-313(2)(a), (e), (f). As a
11 result, Plaintiff and members of the Class did not receive the goods as impliedly
12 warranted by Defendant to be merchantable.

13 92. Plaintiff and members of the Classes purchased the Products in reliance
14 upon Defendant's skill and judgment and the implied warranties of fitness for the
15 purpose.

16 93. The kratom Products were defective when they left the exclusive control
17 of Defendant.

18 94. Plaintiff and members of the Classes did not receive the goods as
19 warranted.

20 95. As a direct and proximate cause of Defendant's breach of the implied
21 warranty, Plaintiff and members of the Classes have been injured and harmed
22 because (a) they would not have purchased the Products on the same terms if they
23 knew that the Products were addictive and could cause opioid-like withdrawal
24 symptoms; and (b) the Products do not have the characteristics, uses, or benefits as
25 promised by Defendant.

26 96. On May 19, 2025, prior to filing this action, Defendant was mailed a
27 pre-suit notice letters on behalf of Plaintiff that complied in all respects with U.C.C.
28

1 §§ 2-314 and 2-607. Plaintiff's counsel sent Defendant a letter advising Defendant
2 that it breached an implied warranty and demanded that Defendant cease and desist
3 from such breaches and make full restitution by refunding the monies received
4 therefrom.

5 **COUNT III**

6 **Unjust Enrichment**

7 97. Plaintiff realleges and reincorporates by reference all paragraphs alleged
8 above.

9 98. Plaintiff brings this claim individually and on behalf of the Classes
10 against Defendant.

11 99. Plaintiff and the members of the Classes conferred a benefit on
12 Defendant in the form of the gross revenues Defendant derived from the money they
13 paid to Defendant.

14 100. Defendant had an appreciation or knowledge of the benefit conferred on
15 it by Plaintiff and the members of the Classes.

16 101. Defendant has been unjustly enriched in retaining the revenues derived
17 from Plaintiff and the Class members' purchases of the Products, which retention of
18 such revenues under these circumstances is unjust and inequitable because
19 Defendant omitted that the Products were addictive and similar to opioids. This
20 caused injuries to Plaintiff and members of the Classes because they would not have
21 purchased the Products or would have paid less for them if the true facts concerning
22 the Products had been known.

23 102. Defendant accepted and retained the benefit in the amount of the gross
24 revenues it derived from sales of the Products to Plaintiff and the members of the
25 Classes.

26 103. Defendant has thereby profited by retaining the benefit under
27 circumstances which would make it unjust for Defendant to retain the benefit.
28

112. Defendant knows that kratom is addictive because it interacts with kratom vendors, has been made aware of user reports, and has fully characterized kratom's alkaloids and created advanced extraction methods.

113. Defendant knows that knowledge of kratom's addictive nature is a material fact that would influence the purchasing decision of reasonable consumers.

114. The average reasonable consumer in the kratom purchasing context does not know that kratom is addictive and cannot reasonably access that information.

115. Defendant therefore had a duty to Plaintiff and the members of the Classes to disclose that kratom is addictive and can cause withdrawals on the Products' packaging.

116. Consumers reasonably and justifiably relied on Defendant's omission because it is reasonable to assume that a product which is addictive like an opioid would bear some kind of a warning.

117. As a result of Defendant's omission, Plaintiff and the members of the Classes paid for kratom Products they may not have purchased, or paid more for those Products than they would have had they known the truth about kratom

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that the Court grant Plaintiff and all members of the proposed class the following relief against Defendant:

- a. For an order certifying the Classes and naming Plaintiff as representative of the Classes and Plaintiff's attorneys as Class Counsel to represent the Classes;
- b. For an order declaring Defendant's conduct violates the statutes referenced herein;
- c. For an order finding in favor of Plaintiff and the Classes on all counts asserted herein;
- d. For actual, compensatory, statutory, and/or punitive damages in amounts to be determined by the Court and/or jury;

- e. For prejudgment interest on all amounts awarded;
- f. For an order of restitution and all other forms of equitable monetary relief;
- g. For injunctive relief as pleaded or as the Court may deem proper; and
- h. For an order awarding Plaintiff and the Classes their reasonable attorneys' fees, expenses, and costs of suit.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff demands a trial by jury of any and all issues so triable.

1 Dated: July 14, 2025

Respectfully submitted,

2 By: /s/ Wright A. Noel
3 One of Plaintiffs' Attorneys

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18 **Pro Hac Vice Application Forthcoming*