

# **EXHIBIT D**

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Attorney for Plaintiff Arash Pashaei and the Putative Class

**FILED**  
Superior Court of California  
County of Los Angeles

**JUL 27 2020**

Sherri R. Carter, Executive Officer/Clerk of Court  
By Tanya Herrera Deputy  
Tanya Herrera

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

ARASH PASHAEI, on behalf of himself and all  
others similarly situated,

Plaintiffs,

v.

AMAZON.COM, INC., a Delaware Corporation;  
and DOES 1-25, inclusive,

Defendants.

**CASE NO.: 20STCV28280**

**CLASS ACTION COMPLAINT FOR  
DAMAGES:**

**1. Discrimination Based on National  
Origin, Citizenship, and/or Immigration  
Status in Violation of the Unruh Civil  
Rights Act (Cal. Civ. Code §§ 51 et seq.)**

**DEMAND FOR JURY TRIAL**

**BY FAX**

07/28/2020

**INTRODUCTION**

1  
2 1. Defendant Amazon.com, Inc. (“Amazon”) is the largest e-commerce marketplace in the  
3 world with net sales of over \$280 billion in 2019.

4 2. Amazon allows independent third-party sellers to sell goods on its e-commerce  
5 marketplace alongside Amazon's regular offerings in exchange for various fees to be paid by the  
6 third-party seller to Amazon.

7 3. In 2019, Amazon CEO Jeff Bezos revealed in Amazon’s annual letter to shareholders that  
8 third-party sellers make up a bigger share of sales on Amazon's marketplace than Amazon itself,  
9 racking up \$160 billion to Amazon's first-party retail business' \$117 billion in 2018.

10 4. To become a third-party seller on Amazon’s e-commerce marketplace, all persons are  
11 required to fill out Amazon’s online third-party seller application found at  
12 <https://sellercentral.amazon.com>.

13 5. On the first page of the third-party seller application, Amazon requires the applicant to  
14 select his/her “Country of citizenship” and “Country of birth” using a drop-down menu.

15 6. There are over 190 countries in the world, but Amazon’s drop-down menu only contains a  
16 list of the following fifty-four (54) countries, which have been numbered here for ease of  
17 reference: (1) Argentina; (2) Australia; (3) Austria; (4) Belgium; (5) Brazil; (6) Cambodia;  
18 (7) Canada; (8) Chile; (9) China; (10) Croatia; (11) Cyprus; (12) Czech Republic; (13) Denmark;  
19 (14) Estonia; (15) Finland; (16) France; (17) Georgia; (18) Germany; (19) Greece;  
20 (20) Hong Kong; (21) Hungary; (22) Iceland; (23) India; (24) Indonesia; (25) Ireland; (26) Israel;  
21 (27) Italy; (28) Japan; (29) Jordan; (30) Korea (South); (31) Latvia; (32) Liechtenstein;  
22 (33) Lithuania; (34) Luxembourg; (35) Malaysia; (36) Mauritius; (37) Mexico; (38) Netherland;  
23 (39) New Zealand; (40) Norway; (41) Philippines; (42) Poland; (43) Portugal; (44) Romania;  
24 (45) Singapore; (46) Slovakia; (47) Spain; (48) Sweden; (49) Switzerland; (50) Taiwan;  
25 (51) Thailand; (52) Turkey; (53) United Kingdom; and (54) United States.

26 7. If the applicant’s country of citizenship or country of birth are not listed in the drop-down  
27 menu, the application process cannot be completed, and ultimately, Amazon disqualifies the  
28 applicant from becoming a third-party seller on Amazon’s e-commerce marketplace.

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1 8. It is well established that “a person suffers discrimination under the [Unruh Civil Rights]  
2 when the person presents himself or herself to a business with an intent to use its services but  
3 encounters an exclusionary policy or practice that prevents him or her from using those  
4 services...[and] this rule applies to online businesses...” *White v. Square, Inc.* (2019) 7 Cal.5th  
5 1019, 1024.

6 9. Amazon has failed to comply with its legal obligations under California’s Unruh Civil  
7 Rights Act, Civil Code section 51 *et seq.*, by prohibiting persons in California from becoming  
8 third-party sellers if they were born in and/or are citizens of countries not identified in Paragraph  
9 7, above.

10 10. Through Amazon’s discriminatory practices, Amazon denies persons in California from  
11 selling goods on Amazon’s e-commerce marketplace, as well as other potential benefits,  
12 including, but not limited to, business loans through Amazon’s Lending Program.

13 **JURISDICTION**

14 11. This is an action for damages and declaratory and injunctive relief under the Unruh Civil  
15 Rights Act, Civil Code section 51 *et seq.* This Court has subject matter jurisdiction pursuant to  
16 Civil Code section 51 *et seq.*

17 **VENUE**

18 12. Venue is proper in Los Angeles County under Code of Civil Procedure section 395.5  
19 because liability arises in Los Angeles County. Amazon and Does 1-25 have been committing  
20 and are continuing to commit the acts alleged herein in Los Angeles County, and have been and  
21 are continuing to cause injury to persons within Los Angeles County. Plaintiff Arash Pashaei  
22 (“Plaintiff”) also resides in Los Angeles County.

23 **PARTIES**

24 13. Plaintiff is a Citizen of California and a resident of Los Angeles. Plaintiff was born in  
25 Iran.

26 14. Defendant Amazon.com, Inc. is a publicly traded company incorporated under the laws of  
27 Delaware, with its principal place of business in Seattle, Washington.

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1 15. Defendants DOES 1-25 are sued under fictitious names. Their true names and capacities are  
2 unknown to Plaintiff. Plaintiff, on behalf of himself and the proposed Class Members, alleges on  
3 information and belief that DOES 1-25 are entities of unknown form who are in some manner  
4 responsible for the wrongs alleged herein. The true names and capacities, whether individual,  
5 corporate, associate, agency, or otherwise, of DOES 1-25, inclusive, are unknown to Plaintiff, who  
6 therefore sues the DOE Defendants by fictitious names. Plaintiff will amend this complaint to show  
7 their true names and capacities when they have been ascertained.

8 16. Defendant Amazon.com, Inc. and Defendants DOES 1-25 will hereafter be referred to  
9 collectively as “Amazon.”

10 **EXPERIENCE OF PLAINTIFF ARASH PASHAEI**

11 17. Plaintiff intended to become a third-party seller on Amazon’s e-commerce marketplace,  
12 but Amazon’s unlawful and discriminatory practices prevented him from doing so.

13 18. On or around April 17, 2020, Plaintiff attempted to complete Amazon’s third-party seller  
14 application found at <https://sellercentral.amazon.com>.

15 19. On the first page of the application, Amazon required Plaintiff to select both his “Country  
16 of citizenship” and “Country of birth” using a drop-down menu, which only contained the  
17 countries listed in Paragraph 7, above.

18 20. Because Plaintiff was born in Iran, and Iran is not one of the countries listed in the drop-  
19 down menu, Plaintiff was unable to complete the application.

20 21. On April 17, 2020, Plaintiff wrote an email to Amazon to address the issue and with the  
21 desire to get it resolved so he could become a third-party seller on Amazon’s e-commerce  
22 marketplace. However, Amazon responded to Plaintiff via email, confirming that he was  
23 disqualified from becoming a third-party seller because of his national origin. Amazon went on to  
24 explain its policy that if an applicant’s country of origin or country of citizenship are not listed in  
25 the application’s drop-down menu, the person cannot register to become a third-party seller on  
26 Amazon’s e-commerce marketplace.

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1 22. Plaintiff wrote back in an attempt to rectify the situation, but Amazon sent him an email  
2 just confirming he was disqualified from becoming a third-party seller because of his national  
3 origin.

4 23. To this day, Plaintiff has been unable to become a third-party seller on Amazon's e-  
5 commerce marketplace.

6 **CLASS ALLEGATIONS**

7 24. Pursuant to Code of Civil Procedure section 382, Plaintiff brings this action on behalf of  
8 himself and all other persons similarly situated. The class Plaintiff seeks to represent is composed  
9 of all persons who have been denied access to Amazon's e-commerce marketplace as third-party  
10 sellers due to their national origin, citizenship, and immigration status.

11 25. The persons in the class are so numerous that joinder of all such persons is impractical  
12 and the disposition of their claims in a class action is a benefit to the parties and to the Court.

13 26. There is a well-defined community of interest in the questions of law and fact involved  
14 affecting the parties to be represented in that they have been and continue to be denied their civil  
15 rights to access Amazon's e-commerce marketplace as third-party sellers.

16 27. Common questions of law and fact predominate, including questions raised by Plaintiff's  
17 allegation that Amazon does not allow persons to become third-party sellers if the applicant was  
18 not born in or a citizen of those countries listed in Paragraph 7, above.

19 28. Plaintiff's claims are typical of the claims of the class because they are all similarly  
20 affected by Amazon's failure to allow them to become third-party sellers on its e-commerce  
21 marketplace.

22 29. The named Plaintiff is an adequate class representative because he is directly affected by  
23 Amazon's failure to allow him to become a third-party seller on its e-commerce marketplace. The  
24 interest of the named Plaintiff is not antagonistic to, or in conflict with, the interests of the class as  
25 a whole. Counsel is also experienced in class action litigation.

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**FIRST CAUSE OF ACTION**

**Discrimination Based on National Origin, Citizenship, and/or Immigration Status  
in Violation of the Unruh Civil Rights Act (Cal. Civ. Code §§ 51 et seq.)**

30. Plaintiff, on behalf of himself and the proposed Class Members, incorporates by reference, as though set forth in full herein, each and every allegation contained in the preceding paragraphs.

31. The Unruh Civil Rights Act (Civil Code section 51, subdivision (b)) provides in relevant part that all persons, regardless of their national origin, citizenship, or immigration status “are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.”

32. The Unruh Civil Rights Act (Civil Code section 52, subdivision (b)), further provides that:

No business establishment of any kind whatsoever shall discriminate against, boycott or blacklist, or refuse to buy from, contract with, sell to, or trade with any person in this state on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or of the person’s partners, members, stockholders, directors, officers, managers, superintendents, agents, employees, business associates, suppliers, or customers, because the person is perceived to have one or more of those characteristics, or because the person is associated with a person who has, or is perceived to have, any of those characteristics.

33. It is well established that “a person suffers discrimination under the [Unruh Civil Rights] when the person presents himself or herself to a business with an intent to use its services but encounters an exclusionary policy or practice that prevents him or her from using those services...[and] this rule applies to online businesses...” *White*, 7 Cal.5th 1019, 1024.

34. Plaintiff and those similarly situated have standing to bring suit against Amazon under the Unruh Civil Rights Act because they visited Amazon’s website, encountered discriminatory terms, and intended to make use of Amazon’s services. *Id.* at 1032.

35. Amazon discriminated against Plaintiff and the proposed Class Members based on their national origin, citizenship, and/or immigration status by denying them the right to become third-party sellers on its e-commerce marketplace because they were not born in and/or citizens of the

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1 countries set forth in paragraph 7, above.

2 36. As a proximate result of the discrimination, Plaintiff and the proposed Class Members  
3 have suffered damages, including emotional distress, lost income, and other economic damages, in  
4 an amount to be proved at trial.

5 37. Pursuant to Civil Code section 52, subdivision (a), Plaintiff and the proposed Class  
6 Members are each entitled to a maximum of three times the amount of actual damages, but  
7 statutory damages of no less than four thousand dollars (\$4,000.00).

8 38. As a further proximate result of the discrimination, Plaintiff, on behalf of himself and the  
9 proposed Class Members, was forced to and did retain counsel, and is accordingly entitled to an  
10 award of attorney's fees under Civil Code section 52, subdivision (a).

11 39. Plaintiff, on behalf of himself and the proposed Class members, is informed and believes  
12 and thereon alleges that Amazon's discriminatory conduct was malicious, oppressive, and  
13 fraudulent, and committed by an officer, director or managing agent of Amazon, or alternatively,  
14 authorized, ratified or approved by an officer or managing agent of Amazon, thereby entitling  
15 Plaintiff and the proposed Class Members to an award of punitive damages.

16 **PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff, on behalf of himself and the proposed Class Members, prays for  
18 judgment against Defendants, and each of them, as follows:

- 19 1. All damages which the Plaintiff and the Class Members have sustained as a result  
20 of Defendants' conduct, including general damages for pain, suffering, emotional  
21 distress, and special damages for lost compensation and lost benefits.
- 22 2. Treble damages, or alternatively, statutory damages of no less than four thousand  
23 dollars (\$4,000.00) for Plaintiff and each Class Member;
- 24 3. Punitive damages;
- 25 4. A declaration that Defendants are violating the Unruh Civil Rights Act by  
26 disqualifying persons from becoming third-party sellers on account of their  
27 national origin, citizenship, and immigration status;
- 28

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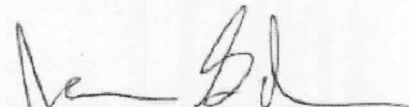


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- 5. A preliminary and permanent injunction against Defendants and their directors, officers, owners, agents, successors, employees and representatives, and any and all persons acting in concert with them, prohibiting Defendants from continuing their discriminatory conduct, and requiring Defendants to take steps to ensure that persons are not disqualified from becoming third-party sellers on the account of their national origin, citizenship, or immigration status;
- 6. Attorney’s fees;
- 7. Costs;
- 8. Pre-judgment and post-judgment interest; and
- 9. Such other relief, in law or in equity, as this Court may deem proper and just.

Dated: July 16, 2020

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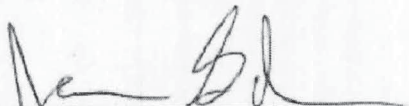
By: Jeremy D. Scherwin, Esq.  
Attorney for Plaintiff and Putative Class

**DEMAND FOR JURY TRIAL**

Plaintiff, on behalf of himself and those similarly situated, hereby requests a trial by jury.

Dated: July 16, 2020

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By: Jeremy D. Scherwin, Esq.  
Attorney for Plaintiff and Putative Class

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# ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Amazon Hit with Civil Rights Class Action in Calif. Over Country of Origin/Birth Restrictions for Third-Party Sellers](#)

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