

Suit against Amazon in hoverboard fire reinstated



Judy Greenwald

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A federal appeals court has overturned a lower court ruling and reinstated litigation against Amazon.com Inc. for selling a hoverboard that caught fire, burned down the plaintiff's house and caused him severe injuries.

A three-judge appeals court panel said Thursday in its unanimous ruling in *Irvin R. Love Jr. vs. Weeco et al., Amazon.com Inc.*, that the plaintiff had provided sufficient evidence to allege Amazon knew that lithium-ion-powered hoverboards posed potential fire risks.

Mr. Love had purchased the Chinese-manufactured hoverboard in November 2015 through Amazon's website, according to the ruling. Mr. Love's home was destroyed, and he sustained severe injuries in the February 2016 fire it started, according to the ruling.

While Mr. Love filed suit against several other defendants, the ruling focuses on Amazon. Mr. Love alleged the company was negligent for continuing to advertise and sell the hoverboards despite knowing the boards were likely to cause fires and in failing to warn him of its known safety risks.

The U.S. District Court in Atlanta dismissed Amazon as a defendant, holding the plaintiffs “had failed to allege enough facts to show that Amazon had actual or constructive knowledge that the hoverboard was dangerous at the time of sale.”

But the appeals court ruling said the plaintiff “alleged enough facts from which one may infer reasonably that Amazon had at least constructive knowledge of the potential risk of fire associated with the Hoverboard...Plaintiff alleged that several fires had been caused” by Chinese-manufactured hoverboards, including the same model as the plaintiff’s, said the ruling.

“More important, Amazon had already been sent written notification of four specific fires that had been caused by hoverboards sold by Amazon.

“Plaintiff also alleged that thousands of hoverboards had been seized by United States custom authorities based on concerns about the hoverboards’ ‘potentially explosive lithium batteries,’” said the ruling, in vacating the lower court’s ruling and remanding the case for further proceedings.

Mr. Love’s attorney, Darren W. Penn of Penn Law LLC in Atlanta, said, “We’re pleased with the result. We think it was the right decision and look forward to getting to the merits of the case and conducting discovery.”

Mr. Penn said Chinese defendants in the case “at this point have not been served. It’s been quite difficult, as you might imagine, (to do so) for any legal entity in China, especially with our current trade wars going on.”

Amazon’s attorney had no comment.