

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PROMIER PRODUCTS INC.,

Plaintiff,

v.

GEAROSZ, *et al.*,

Defendants.

Case No. 25-cv-497

(Judge Colville)

FILED UNDER SEAL

**PROMIER PRODUCT’S RESPONSE TO ORDER TO SHOW CAUSE
ON VENUE AND PERSONAL JURISDICTION**

The plaintiff, Promier Products, Inc. (“Promier”), submits this response to the Court’s Order to Show Cause dated April 24, 2025, requesting additional briefing on the issues of the venue and personal jurisdiction. As explained below, venue is proper in this district because the defendants are not residents of the United States and this court has personal jurisdiction over the defendants because they offered the products involved in this lawsuit for sale to customers in this Judicial District, sold the products to customers in this Judicial District, and shipped the products to customers in this Judicial District.

The Court also inquired about Promier’s connection to this Judicial District. While the plaintiff’s connection to the forum is not strictly necessary for venue or personal jurisdiction over the defendants, in this case Promier conducts substantial business in Pennsylvania in the form of warehousing its products in Pennsylvania and selling them to Pennsylvania residents.

I. Factual Background

Promier is the owner of the LITEZALL[®], KODIAK[®], ILLUMIBRITE[®], and HANDZFREE[®] brands. *Declaration of Cody Grandadam* (“Grandadam Dec.”) [ECF No. 8]

(copy attached as Exhibit 1) at ¶ 2. Premier advertises, sells, and distributes a wide variety of flashlights and other lighting products, using the Amazon.com online marketplace, its independent retail website, and retail stores. *Id.* at ¶ 4. Premier’s products are sold in Walmart stores in the Western District of Pennsylvania. *See, e.g.*, <https://www.walmart.com/ip/Kodiak-1-mile-Beam-Rechargeable-Tactical-Flashlight-COB-LED-1000-Lumens/1849769047> (available at the Moon Township Supercenter, Baden Supercenter, Pittsburgh Supercenter, Cranberry Township Supercenter, Monaca Supercenter, Gibsonia Store, Carnegie Store, and Bethel Park Store). Premier’s flashlights are sold to Pennsylvania customers every month. *Second Declaration of Cody Grandadam (“Second Grandadam Dec.”)* (copy attached as Exhibit 2) at ¶¶ 4-5. Moreover, Premier’s products are maintained warehouses in Pennsylvania so that they may quickly be delivered to customers in Pennsylvania (the nation’s fifth-most populous state). *Id.* at ¶ 5.

The defendants are China-based sellers of flashlights who transact business with consumers in Pennsylvania, including in this Judicial District, and across the United States using various online marketplaces, including Amazon.com. This lawsuit arises out of each defendant’s product listings and/or descriptions on Amazon.com that falsely and egregiously exaggerate the lumens or brightness of the defendant’s products, in violation of Section 43(a) of the Lanham Act, 15 U.S.C. §1125(a).

The evidence before the Court shows that each of the defendants operated an interactive website (an Amazon storefront) available to consumers in Pennsylvania, including in the Western District of Pennsylvania. The *Declaration of Dee Odell (“Odell Dec.”)* [ECF No. 14] (copy attached as Exhibit 3, without Composite Exhibit 1) establishes that each defendant accepted an order from a Pennsylvania resident and shipped its product into Pennsylvania, collecting

Pennsylvania tax on the purchase. *Id.* at ¶¶ 2-6. Additionally, in connection with each purchase, three emails were sent into Pennsylvania: an email confirming the placement of the order; an email confirming the shipment of the order to the Pennsylvania address; and an email confirming the delivery of the order to the Pennsylvania address. *Second Declaration of Dee Odell* (“*Second Odell Dec.*”), ¶ 5 (copy attached as Exhibit 4).

II. Venue is Proper in this District

This action is against 251 defendants who are sellers on the Amazon.com online marketplace. As the Court notes in its Order, none of the defendants is based in Pennsylvania. Instead, although the defendants target consumers in Pennsylvania and across the United States, each defendant is based in China. Accordingly, for purposes of venue, each defendant is “not a resident of the United States and may be sued in any judicial district.” 28 U.S.C. § 1391(c)(3). *See also Complaint*, ¶ 10. Venue is therefore proper in the Western District of Pennsylvania.

III. This Court has Personal Jurisdiction over the Defendants

A proper exercise of personal jurisdiction must comply with two distinct legal standards: the statute or rules governing the reach of the court in which the matter is pending (often called the “long-arm statute”) and the constitutional limitations on that court’s reach. *See J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 884 (2011); *Eurofins Pharma US Holdings v. BioAlliance Pharma SA*, 623 F.3d 147, 155 (3d Cir. 2010). For cases pending in federal court, this dual pronged analysis entails consideration of Rule 4(k) of the Federal Rules of Civil Procedure and the Due Process Clause of the U.S. Constitution.

A. Personal Jurisdiction Authorized by Rule 4(k)

Rule 4(k) provides the “Territorial Limits of Effective Service” for claims brought in federal courts. It contains a list of four circumstances in which a federal court is authorized to

exercise personal jurisdiction over a defendant. The primary provision is Rule 4(k)(1)(A), which “borrows” the state’s long-arm statute (authorizing jurisdiction over a defendant who is subject to personal jurisdiction under the long-arm statute of the state where the federal court is located). Rule 4(k)(1) then describes two authorizations that are not relevant here: jurisdiction over a defendant joined under Rule 14 or Rule 19 and who is served within the United States and within 100 miles of the courthouse (the “100-mile bulge”) and jurisdiction when authorized by a federal statute. Finally, Rule 4(k)(2) provides an additional jurisdictional grant that is particularly relevant in cases like this when the defendant admits to conducting business across the United States but claims not to target business in any particular state.

1. The Pennsylvania Long-Arm Statute

The Pennsylvania Long-Arm Statute is 42 Pa. Consol. Stat. Ann. § 5322, titled “Bases of personal jurisdiction over persons outside this Commonwealth.” Subsection (a)(1) authorizes jurisdiction over a person “who acts directly or by an agent, as to a cause of action or other matter arising from such person: (1) Transacting any business in this Commonwealth.” The subsection then continues to list a number of activities that constitute “transacting business,” many of which apply to the defendants’ activities, including “(iii) The shipping of merchandise directly or indirectly into or through this Commonwealth.”

As documented above, each of the defendants in this case has not only offered to sell the infringing products in Pennsylvania, each has actually accepted an order, shipped a falsely advertised product to a purchaser at a Pennsylvania address, and collected Pennsylvania sales tax on that order. Accordingly, exercising jurisdiction over the defendants in this case is authorized by Subsection (a)(1) of the Pennsylvania long-arm statute, and therefore by Rule 4(k)(1)(A).

Additionally, the Pennsylvania long-arm statute extends the Commonwealth's jurisdiction "to the fullest extent allowed under the Constitution of the United States." *Id.* at § 5322(b). When a long-arm statute is co-extensive with the U.S. Constitution, the only analysis that is required is the constitutional analysis. *See Danziger & De Llano, LLP v. Morgan Verkamp LLC*, 948 F.3d 124, 129 (3d Cir. 2020); *D'Jamoos ex rel. Est. of Weingeroff v. Pilatus Aircraft Ltd.*, 566 F.3d 94, 102 (3d Cir. 2009). Accordingly, because the exercise of personal jurisdiction over the defendants in this case comports with constitutional due process, as explained below, it also comports with § 5322(b) of the Pennsylvania long-arm statute and with Rule 4(k)(1)(A).

2. Personal Jurisdiction Authorized by Rule 4(k)(2)

The argument that third-party platform sellers like the defendants in this case frequently advance to contest personal jurisdiction in a particular state is that the third-party platforms target the entire United States rather than any particular state. As discussed below, the vast majority of the courts have rejected that argument. However, the direct consequence of the argument is to implicate nationwide personal jurisdiction under Rule 4(k)(2). "Rule 4(k)(2) was adopted to provide a forum for federal claims in situations where a foreign defendant lacks substantial contacts with any single state but has sufficient contacts with the United States as a whole to satisfy due process standards and justify the application of federal law." *Merial Ltd. v. Cipla Ltd.*, 681 F.3d 1283, 1293-94 (Fed. Cir. 2012).

Rule 4(k)(2) authorizes jurisdiction over a defendant served anywhere in the United States when three conditions are satisfied: 1) the claims asserted against the defendant arise under federal law; 2) the defendant is not subject to personal jurisdiction in the courts of general jurisdiction in any state; and 3) exercising personal jurisdiction would be consistent with the United States Constitution and laws. *See Synthes (U.S.A.) v. G.M. Dos Reis Jr. Ind. Com de*

Equip. Medico, 563 F.3d 1285, 1291 (Fed. Cir. 2009). For purposes of the final factor, the court examines the defendant's contacts with the entire United States, not just the forum state. *Genetic Veterinary Scis., Inc. v. LABOKLIN GmbH & Co. KG*, 933 F.3d 1302, 1309 (Fed. Cir. 2019).

As discussed throughout this brief, this Court is authorized to exercise personal jurisdiction over the defendants in Pennsylvania under Pennsylvania's long-arm statute and the U.S. Constitution. In the alternative, however, if the Court find that these Chinese defendants lack specific jurisdiction in Pennsylvania because Amazon blankets the entire United States rather than targeting any specific state, then this situation is tailor made for Rule 4(k)(2). First, the complaint asserts claims against the defendants under the Lanham Act, a federal law. Second, if the defendants are not subject to specific jurisdiction in Pennsylvania, they would not be subject to specific jurisdiction in any other state because they are foreign companies selling their products across the United States through Amazon. And third, because Amazon generically targets sales across the United States rather than sales in any particular state, use of the Amazon platform would establish purposeful availment of the privilege of conducting activities within the United States under the case law described below, thereby satisfying the final requirement for personal jurisdiction under Rule 4(k)(2). *See, e.g., Shu v. Grand Di*, No. 24-cv-01643 (W.D. Pa. Apr. 11, 2025) (applying Rule 4(k)(2) to a defendant selling products on Amazon); *Talisman Designs*, Case 20-cv-1084-AJS (W.D. Pa. Oct. 13, 2020) (same); *RE/MAX, LLC v. Shenzhen Remax Co., Ltd*, No. 115CV02496REBSKC, 2019 WL 1081039, at *4 (D. Colo. Jan. 18, 2019), *report and recommendation adopted*, No. 15-CV-02496-REB-SKC, 2019 WL 1437620 (D. Colo. Feb. 27, 2019) (same). *See also Xie v. GUANHE Home essentials*, No. 25-CV-00265, 2025 WL 1039233, at *5 (W.D. Pa. Apr. 8, 2025) (applying Rule 4(k)(2) to defendants who offered products but did not make actual sales in Pennsylvania).

B. Personal Jurisdiction Authorized by the Constitution

In addition to satisfying Rule 4(k), every exercise of personal jurisdiction must accord the defendant due process under the U.S. Constitution. The Supreme Court has divided the constitutional analysis into two branches: general jurisdiction and specific jurisdiction. General jurisdiction or “all-purpose jurisdiction” applies where a defendant’s contacts are so “continuous and systematic,” “so constant and pervasive,” as “to render [the defendant] essentially at home.” *See Goodyear Dunlop Tires Ops., S.A. v. Brown*, 564 U.S. 915, 919 (2011). Individuals are subject to general jurisdiction where they are domiciled and corporations are subject to general jurisdiction where they are incorporated and where they maintain their principal place of business. *See Ford Motor Co. v. Montana Eighth Jud. Dist. Ct.*, 592 U.S. 351, 358–59 (2021). Because the defendants are not at home in Pennsylvania, general jurisdiction is not applicable in this case.

Specific personal jurisdiction does not require that the defendant be at home in the forum state, but it does require a connection between the defendant’s activities occurring in or directed towards the forum state and the claims asserted against the defendant—the claim must “arise out of or relate to” the defendant’s contacts in the forum state. *Id.* at 359. The core principle of specific jurisdiction is that the defendant must have “minimum contacts with [the forum] such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice.” *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945) (cleaned up).

To assess whether a defendant has sufficient minimum contacts with the forum state, courts evaluate whether the defendant engaged in some behavior through which it “purposefully avail[ed] itself of the privilege of conducting activities within the forum state, thus invoking the benefits and protections” of that state’s laws. *Hanson v. Denckla*, 357 U.S. 235, 253 (1958). The

contacts must “show that the defendant deliberately ‘reached out beyond’ its home—by, for example, ‘exploit[ing] a market’ in the forum State.” See *Ford Motor Co.*, 592 U.S. at 359. A defendant’s purposeful availment of the forum is understood as a “privilege” which, when enjoyed, invokes the “benefits and protections” of that forum’s laws, which, in turn, triggers a reciprocal obligation to return there to litigate a related dispute. See *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 880 (2011); *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 319 (1945).

The Supreme Court issued most of its case law explaining specific personal jurisdiction before e-commerce became so prevalent, and the Supreme Court has yet to apply its general principles to a defendant selling products on third-party platforms like Amazon. The simple reality, though, is that these third-party platforms conduct an ever-growing tsunami of commerce. Amazon alone ships approximately 1.6 million packages per day (or 18.5 orders per second).¹ Amazon has 9.1 million sellers and made \$141 billion in retail product sales in 2019. These numbers illustrate just how much commerce occurs on these third-party platforms, and not surprisingly the lower courts are adjudicating cases involving products offered and sold on third-party platforms on a regular basis. Quite frequently, the defendants are not U.S. citizens or companies, and the first issue the courts are confronting is a challenge to personal jurisdiction.

Most of the courts who have analyzed personal jurisdiction in the context of internet sales on platforms like Amazon have recognized that these third-party platforms are nothing more than vendors of the logistical aspects of marketing and selling products. As the court recognized in *Douglas Co., Inc. v. My Brittany’s LLC*, 2020 WL 2768973, at *5 (D.N.H. 2020), hiring Amazon

¹ Statistics from this paragraph are found at <https://landingcube.com/amazon-statistics/>. They are reported here for illustrative purposes, and the legal arguments in this brief do not depend on the accuracy or currency of these statistics.

to deliver products is no different from hiring FedEx to deliver them, and no one would contend that using FedEx insulates the seller from personal jurisdiction.

Moreover, sellers on these platforms are deliberately using the established reputations of the platforms to penetrate U.S. markets—when they choose to sign up for an Amazon account, for example, they must elect to sell their products throughout the United States for such sales to occur. *Second Grandadam Dec.*, ¶ 6; see also *RE/MAX, LLC v. Shenzhen Remax Co., Ltd*, No. 115CV02496REBSKC, 2019 WL 1081039, at *5 (D. Colo. Jan. 18, 2019), report and recommendation adopted, No. 15-CV-02496-REB-SKC, 2019 WL 1437620 (D. Colo. Feb. 27, 2019). Thus, the sellers’ products end up in Pennsylvania and other states by virtue of the sellers’ choices.

The Supreme Court has characterized specific jurisdiction as reflecting a predictable bargain—companies who choose to engage in commerce in a forum agree to come to the forum to defend litigation arising out of or relating to that commerce. See *Ford Motor Co.*, 592 U.S. at 359. Under this approach, a defendant who sells products to residents of Pennsylvania or any other state undertakes the reciprocal obligation to come to those states to defend claims alleging that those products infringe federal intellectual property laws.

Although there are some exceptions, the clear majority of courts have adopted this approach and are upholding personal jurisdiction over sellers on third-party platforms. These cases are too numerous to discuss individually in the body of this brief. Accordingly, select illustrative cases are discussed below.

C. Cases Finding Personal Jurisdiction Over Online Sellers

1. The Appellate Landscape

Although the Third Circuit has yet to issue an opinion addressing personal jurisdiction over an online seller like the defendants in this case, two other circuits have: *American Girl, LLC v. Zembrka*, 118 F.4th 271 (2d Cir. 2024), *cert. denied*, 145 S. Ct. 1130 (2025), and *NBA Props. v. HANWJH*, 46 F.4th 614 (7th Cir. 2022), *cert. denied*, 143 S. Ct. 577 (2023). Both of these cases found that personal jurisdiction existed over the Chinese sellers.

In *American Girl*, the Second Circuit reversed a district court’s dismissal of a lawsuit against a Chinese seller of an infringing product for lack of personal jurisdiction. The district court had entered a temporary restraining order and the defendant had moved to dissolve the TRO and dismiss the complaint for lack of jurisdiction, which the district court did. The Second Circuit held that there was personal jurisdiction under New York’s long-arm statute even though the Chinese defendant had cancelled the plaintiff’s order and never shipped an infringing product into New York. Since New York’s long-arm statute authorized jurisdiction over a party who was “transacting business” in New York (just like Pennsylvania’s long-arm statute), and the plaintiff had been able to place an order for shipment into New York, the defendant was subject to jurisdiction because it had been transacting business in New York (even though the defendant subsequently cancelled the order). *American Girl*, 118 F.4th at 277–78.

As to the constitutional analysis, the Second Circuit held that, by transacting of business in New York, the defendant “purposefully availed itself of the privilege of doing business in the forum and could foresee being haled into court there.” *Id.* at 279. In fact, the Second Circuit concluded, the defendant’s transaction of business in New York was a “quite strong” demonstration of the minimum contacts necessary to support personal jurisdiction. *Id.* The court

continued, “we do not doubt, that as [the defendant] argues, the burden on them will be significant, as they reside and are based in China. However, [the defendant] ran the risk of being haled into court by offering for sale allegedly counterfeit items for which New York customers could order and pay.” *Id.* at 280. Thus, even without an actual sale into the forum, the Second Circuit held that personal jurisdiction was constitutionally proper based on the defendant’s willingness to take an order for an infringing product.

In *NBA Props.*, the Seventh Circuit affirmed the district court’s entry of a default judgment against a Chinese seller exercising personal jurisdiction based on a single sale into Illinois. As the Seventh Circuit stated, the defendant “shipped a product to the forum only after it had structured its sales activity in such a manner as to invite orders from Illinois and developed the capacity to fill them. It cannot now point to its customers in Illinois and tell us, ‘It was all their idea.’ ” *NBA Props.*, 46 F.4th at 622 (cleaned up).

To reach this conclusion, the Seventh Circuit first determined whether the defendant had purposefully directed conduct at Illinois. The court acknowledged that “specific personal jurisdiction over an online retailer is not established merely because the retailer’s website is available in the forum.” *Id.* at 619. Rather it is necessary that the retailer “ ‘stand ready and willing to do business with’ residents of the forum and then ‘knowingly do ... business with’ those residents.” *Id.* (cleaned up). The Seventh Circuit found that the defendant’s single sale in Illinois “certainly can be characterized as purposeful. It established an online store, using a third-party retailer, Amazon.com. Through this online store, it unequivocally asserted a willingness to ship goods to Illinois and established the capacity to do so. When an order was placed, it filled the order, intentionally shipping an infringing product to the customer’s designated Illinois address.” *Id.* at 624.

With respect to traditional notions of fair play and substantial justice, the defendant argued that it was a foreign party with only one documented sale to the forum state, that the plaintiff (the NBA) was not an Illinois company, and therefore that the Illinois courts' interest in utilizing juridical resources to adjudicate the dispute was weak. The Court rejected this argument, stating "there [is] no unfairness in making a seller defend a suit in a state where it structured its business to 'easily serve the state's consumers.'" *Id.* at 627 (citation omitted). The court continued, "[the plaintiff] may have its principal places of business elsewhere, but it nevertheless has an interest in ensuring that its trademark is protected against confusion in the Illinois market. Illinois no doubt has an interest in protecting its consumers from purchasing fraudulent merchandise." *Id.* Thus, the Seventh Circuit held, personal jurisdiction was properly based on the defendant's single sale into the forum. *Id.*

2. District Court Cases in the Third Circuit

Within the Western District of Pennsylvania and other districts within the Third Circuit, multiple district courts have found personal jurisdiction over sellers on Amazon. Nearly five years ago, Judge Schwab refused to set aside a default on the basis of lack of personal jurisdiction. *Talisman Designs, LLC v. Dasani*, No. 20-cv-1084 (W.D. Pa Oct. 13, 2020). Judge Schwab stated, "[c]ommerce just like this over the internet, even specifically through Amazon, has been found to support a finding that a Court can properly exercise personal jurisdiction over a China-based infringer, even if the infringer has no physical presence in the United States."

Two months ago, Judge Stickman refused to vacate a preliminary injunction that was challenged on the basis of lack of personal jurisdiction. *Chen v. Adediy*, No. 24-cv-1516, 2025 WL 1146534 (W.D. Pa. March 5, 2025). As Judge Stickman stated, "[Plaintiff] has made the requisite showing of minimum contacts needed for the Court to exercise personal jurisdiction

over Defendants as they offer to sell and sell infringing products to consumers residing in the United States, including Pennsylvania residents in this judicial district, through Defendants' online storefronts (e.g., Amazon.com, Wal-mart.com/Walmart, Alibaba.com).” *Id.* at 4 n.2.

Last month, Chief Judge Hornak issued a preliminary injunction against certain defendants whom the complaint alleged “sell and ship Infringing Products to the United States, including Pennsylvania,” noting “[t]he maintenance of in interactive commercial website – with product listings in English and with prices in U.S. dollars – along with actual sales of alleged infringing products into Pennsylvania is sufficient to establish minimum contacts with Pennsylvania.” *Xie v. Guanhe Home Essentials*, No. 25-cv-267, 2025 WL 1039233 at *3 (W.D. Pa. Apr. 8, 2025) (citation omitted). A defendant could avoid personal jurisdiction, according to Judge Hornak, only by demonstrating that it had not made even a single sale into Pennsylvania.

Judge Bissoon recently issued a preliminary injunction against defendants who argued they were not subject to personal jurisdiction of the court. *Shu v. Grand Di*, No. 24-cv-1643 (W.D. Pa. Apr. 11, 2025). Judge Bissoon found that the plaintiff had demonstrated the requisite showing of minimum contacts needed for the court to exercise personal jurisdiction over the defendants, relying on evidence of the defendants “offering to sell and selling infringing products to consumers residing in Pittsburgh.” *Id.* at 10 n.3. Judge Bissoon explained that “Plaintiff’s injury stems from such actions, and the Court sees no unfairness in subjecting [the defendants] to this jurisdiction given that they structured their online storefronts to serve consumers across the nation, if not the globe, including Pennsylvania. *Id.* Judge Bissoon also held the defendants subject to personal jurisdiction under Rule 4(k)(2), finding that the plaintiff’s claim was based upon federal law, that the objecting defendants had failed to identify an alternative forum in

which they would be subject to jurisdiction, and that jurisdiction was consistent with the Constitution. *Id.*

Most recently, Judge Stickman issued a preliminary injunction against defendants selling allegedly infringing products on online stores including Amazon who argued they were not subject to personal jurisdiction of the court. *Zhang v. AAGGO*, No. 25-cv-85, 2025 WL 1158909 (W.D. Pa. Apr. 21, 2025). Judge Stickman found specific personal jurisdiction because “Defendants made sales to Pennsylvania residents, and more specifically, residents within the Western District, as evidenced by the receipt of sale with the [Plaintiff’s] Declarations.” *Id.* at *4. *See also BGSD, Inc. v. SpazeUp, LLC*, No. 5:23-CV-4855, 2024 WL 1619279, at *3 (E.D. Pa. Apr. 15, 2024) (authorizing personal jurisdiction based on an Amazon sale into Pennsylvania).

3. District Court Cases Finding Personal Jurisdiction Based Upon an Offer for Sale

The cases above demonstrate the consensus among the courts that a single sale of a product on Amazon or another similar platform to a resident of the forum state is sufficient to support personal jurisdiction in that state’s courts over a claim related to that sale. Many courts extend those principles further, holding that even offering an infringing product for sale in the forum state will support personal jurisdiction. But this Court does not need to decide whether an offer for sale is sufficient for personal jurisdiction, as the evidentiary record establishes that each defendant actually offered, sold, and shipped a product into Pennsylvania.

IV. Conclusion

The evidence establishes that each of the defendants in this case has sold and shipped product to Pennsylvania. The overwhelming weight of the legal authority establishes that when the defendant has made actual sales into the forum state through an online marketplace such as Amazon.com, personal jurisdiction is proper. Because the defendants are all foreign companies,

venue is also proper. Moreover, while Premier may have its principal places of business elsewhere, it sells products in Pennsylvania and has an interest in ensuring fair competition against its products in the Pennsylvania market, and Pennsylvania has an interest in protecting its consumers from purchasing falsely advertised products. Therefore, Premier respectfully submits that this action is properly before this Court.

Respectfully submitted,

Dated: May 2, 2025

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