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14 **UNITED STATES DISTRICT COURT**
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

16 WILLIAM ANDREWS, on behalf) Case No.:
17 of himself and all others similarly situated,)
18) **CLASS ACTION COMPLAINT**
19 Plaintiffs,)
20 vs.)
21) July 15, 2021
22 HARBOR FREIGHT TOOLS USA, INC.)
23)
24)
25 Defendant.)

26 **CLASS ACTION COMPLAINT**

27 1. Plaintiff files this new Complaint related to defective jackstands designed
28 and manufactured by the Defendant, Harbor Freight Tools USA Inc. This complaint
brings claims for breach of warranty, negligence, and products liability against Harbor
Freight Tools USA, Inc. (Harbor Freight) relating to jack stands sold by Defendant.
These stands were manufactured with a defect that made them inherently dangerous.

1 collapse under a load, causing serious danger to anyone under the vehicle as well as
2 nearby individuals and property. In addition, the three-ton jack stands had inconsistent
3 location indexing of the pawl armature hole.

4 12. Harbor Freight has admitted that while under load, and with a shift in
5 weight, the jack stands' pawl will disengage from the extension lifting post, allowing
6 the stand to drop suddenly. On March 20, 2020, Harbor Freight advised the National
7 Highway Transportation Safety Administration (NHTSA) that the six-ton Pittsburgh
8 Automotive jack stands would be recalled due to the ratchet teeth manufactured to an
9 insufficient depth. These first recalled jack stands were six-ton steel jack stands
10 manufactured under product ID 61197.

11 13. In May of 2020, Harbor Freight issued an additional recall on three-ton
12 steel jack stands with product ID numbers 56371 and 61196. Harbor Freight advised
13 that the product quality was compromised by an aging of the tooling and inconsistent
14 location indexing of the pawl armature hole.

15 14. Harbor Freight initially attempted to replace some of the recalled jack
16 stands with different three-ton jack stands with product ID numbers 56373. These
17 stands were also defective, as Harbor Freight CEO Eric Smidt admitted in an email:

18 "I'm disappointed and embarrassed because we've identified a welding
19 defect in a small number of the Pittsburg 3-ton steel jack stands (SKU
20 56373) that replaced the recalled jack stands," Eric Smidt, the company's
21 CEO and founder, wrote in a message to consumers.

22
23 Kelly Tyko, "Harbor Freight recalling more jack stands after 'welding defect' found in
24 replacement stands," USA TODAY, Jul. 7, 2020, available at
25 [https://www.usatoday.com/story/money/2020/07/07/harbor-freight-jack-stands-
26 recall/5393897002/](https://www.usatoday.com/story/money/2020/07/07/harbor-freight-jack-stands-recall/5393897002/) (last accessed September 30, 2020).

1 15. The same defects found in the recalled jack stands are also found in other
2 Harbor Freight “Pittsburgh Automotive” jack stands, including three-ton aluminum
3 jack stands with product ID numbers 56357, 61627, and 91760.

4 16. Defendant Harbor Freight knew about the latent defect in all of these jack
5 stands, as consumers had reported these failures long before Plaintiff suffered property
6 damage or injury. Harbor Freight failed to disclose this knowledge to Plaintiff and other
7 potential members of the class. Had this defect been properly disclosed, it would have
8 made the jack stands virtually worthless.

9 **FACTS CONCERNING THE INDIVIDUAL PLAINTIFF**

10 17. In 2020, Plaintiff William Andrews purchased a Pittsburgh Automotive
11 three-ton aluminum jack stand, part no. 61196, from a Harbor Freight store in
12 Evansville, Indiana, with the intent to use the stands to work on his personal vehicles.

13 18. On March 23, 2021, Mr. Andrews placed his personal vehicle on this jack
14 stand. Mr. Andrews was changing the rear driver’s side strut on a 2016 Chevrolet
15 Impala vehicle when the jackstand failed, pinning Mr. Andrews’s hand between the
16 strut and the vehicle. This failure was caused by the design and manufacturing defect
17 in the Harbor Freight jack stands.

18 19. At all times material, the Plaintiff was a member of the Harbor Freight
19 Inside Track Club, a membership program that offers exclusive deals, discounts and
20 savings, including weekly emails from Defendant, as part of the membership with the
21 Club.

22 20. At all times material, the Plaintiff never received any notification from
23 Harbor Freight, including notification through the Harbor Freight Inside Track Club,
24 that his jackstands, model number 61196, were the subject of a recall or other
25 notification that the jackstands were dangerous, defective, or otherwise the subject of
26 a recall.

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28

1 have not received a full refund for their defective product. The number of members of
2 this class is far too large for practicable joinder in a single suit.

3 26. Pursuant to Rule 23(a)(1), the recalled jack stand class is so numerous that
4 joinder of all class members is impracticable. Harbor Freight sold at least 1.7 million
5 of the jack stands that have been recalled in the United States. Many of them have not
6 received a full refund for their defective product. The number of members of this class
7 is far too large for practicable joinder in a single suit.

8 27. Pursuant to Rule 23(a)(2) and 23(b)(3), this case is predominated by
9 questions of law and fact common to all class members. The common questions
10 include:

11 a) whether the jack stands sold and distributed by Defendant possessed a material
12 defect at the time of sale;

13 b) whether the jack stands were manufactured with ratchet teeth at an insufficient
14 depth;

15 c) whether Defendant's practices breached the implied warranty of
16 merchantability;

17 d) whether Defendant's sale of the defective jack stands constitutes negligence;

18 e) whether Plaintiffs and members of the class are entitled to injunctive and
19 equitable relief, and, if so the nature of such relief; and

20 f) whether Plaintiffs and members of the class are entitled to payment of actual,
21 incidental, consequential, exemplary, and/or statutory damages.

22 28. Pursuant to Rule 23(a)(3), the claims of Plaintiff are typical of those of the
23 class. Like Plaintiff Andrews, every member of the aluminum jack stand class
24 purchased an aluminum jack stand and has failed to receive a refund for their defective
25 product or suffered property damage as a result of its failure.

26 29. Pursuant to Rule 23(a)(4), Plaintiff will fairly and adequately represent
27 the interests of each of the class. The named plaintiffs have no interests adverse to the
28 interests of absent class members. The named plaintiffs have hired experienced class

1 action plaintiff lawyers as class counsel, who will diligently and competently represent
2 the interests of the classes.

3 30. Each class in this complaint is certifiable under Rules 23(b)(2) and
4 23(b)(3). Certification is appropriate under Rule 23(b)(2) because Defendant has acted
5 or refused to act on grounds that apply generally to the class, so that final injunctive
6 relief or corresponding declaratory relief is appropriate respecting the class as a whole.

7 31. Consistent with Rule 23(b)(3), a class action is superior to any other
8 available means for the fair and efficient adjudication of this controversy, and no
9 unusual difficulties are likely to be encountered in the management of this class action.
10 The quintessential purpose of the class action mechanism is to permit litigation against
11 wrongdoers even when damages to individual plaintiffs may not be sufficient to justify
12 individual litigation. Here, the damages suffered by Plaintiff and the Class are
13 relatively small compared to the burden and expense required to individually litigate
14 their claims against Defendant. Thus, individual litigation to redress Defendant's
15 wrongful conduct would be impracticable. Individual litigation by each person harmed
16 by Defendant's conduct would also strain the court system and increase delay, expense,
17 and the potential for inconsistent or contradictory judgments. By contrast, the class
18 action device presents far fewer management difficulties and provides the benefits of
19 a single adjudication, economies of scale, and comprehensive supervision by a single
20 court.

21 **COUNT I: STRICT LIABILITY – MANUFACTURING DEFECT**

22 32. Plaintiffs incorporate by reference the factual allegations of the preceding
23 paragraphs as if fully set forth herein.

24 33. At all times herein mentioned, Defendant sold, tested, and marketed the
25 jack stands at issue. Plaintiff purchased the jack stands as they were manufactured,
26 without modification from any other party.

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Respectfully submitted,

Dated: July 15, 2021

FISHER & KREKORIAN

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