

EXHIBIT

1

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF New York

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TABLET DISTRIBUTORS LLC,

Plaintiff/Petitioner,

- against -

Index No. 162477/2014

AMAZON.COM, INC.

Defendant/Respondent.

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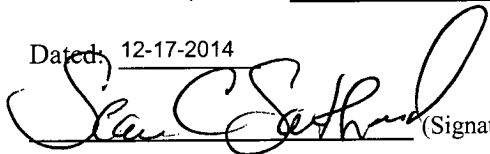
NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING

PLEASE TAKE NOTICE that the matter captioned above, which has been commenced by filing of the accompanying documents with the County Clerk, is subject to mandatory electronic filing pursuant to Section 202.5-bb of the Uniform Rules for the Trial Courts. This notice is being served as required by Subdivision (b) (3) of that Section.

The New York State Courts Electronic Filing System ("NYSCEF") is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and self-represented parties. Counsel and/or parties who do not notify the court of a claimed exemption (see below) as required by Section 202.5-bb(e) must immediately record their representation within the e-filed matter on the Consent/Represent page in NYSCEF. Failure to do so may result in an inability to receive electronic notice of document filings.

Exemptions from mandatory e-filing are limited to: 1) attorneys who certify in good faith that they lack the computer equipment or (along with all employees) the requisite knowledge to comply; and 2) self-represented parties who choose not to participate in e-filing. For additional information about electronic filing, including access to Section 202.5-bb, consult the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov; mailing address: 60 Centre Street, New York, New York 10007).

Dated: 12-17-2014

 (Signature)

Sean C. Southard (Name)

Klestadt & Winters, LLP (Firm Name)

570 Seventh Ave., 17th Fl. (Address)

New York, NY 10018

(212) 972-3000 (Phone)

ssouthard@klestadt.com (E-Mail)

To: Amazon.com, Inc.

2711 Centerville Rd., Suite 400

Wilmington, DE 19808

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
TABLET DISTRIBUTORS LLC,

Plaintiff,

Index No.: 162477 /2014

Date Purchased: 12/17/2014

- against -

SUMMONS

AMAZON.COM, INC.

Plaintiff designates

New York County as

Place of Trial

Defendant.

-----X
To the above named defendant(s)

YOU ARE HEREBY SUMMONED and required to submit to Plaintiff's attorneys, at the address stated below, answering papers on this motion within the time provided by CPLR § 320, as set forth in the attached notice of motion. If you fail to submit answering papers, summary judgment will be taken against you by default for the relief demanded in the notice of motion.

This action will be heard in the Supreme Court of the State of New York in and for the County of New York.

Dated: December 17, 2014

KLESTADT & WINTERS, LLP
Attorneys for Plaintiff

By: 

Sean C. Southard

570 Seventh Avenue, 17th Floor

New York, New York 10018

(212) 972-3000

To: Amazon.com, Inc.
2711 Centerville Rd., Suite 400
Wilmington, DE 19808
Attn: Officer or Agent
Authorized to Accept Service

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
TABLET DISTRIBUTORS LLC,

Plaintiff,

- against -

AMAZON.COM, INC.

Defendant.
-----X

Index No.: 162477 /2014

**VERIFIED
COMPLAINT**

Tablet Distributors LLC ("Plaintiff"), by its attorneys Klestadt & Winters, LLP, as and for its complaint ("Complaint") against Amazon.com, Inc. ("Defendant"), alleges as follows:

PARTIES

1. Plaintiff is and was at all relevant times a limited liability company organized and existing under the laws of the State of New York, with its principal place of business located at 882 Third Avenue, Brooklyn, NY 11232.

2. Upon information and belief, Defendant is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Seattle, Washington, and sells merchandise that it owns and manufactures, as well as merchandise owned by others, over the internet through its website www.amazon.com to customers on a worldwide basis, including customers located in the State of New York.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the Defendant pursuant to CPLR §§ 301 and 302, because Defendant regularly conducts business in New York County, New York.

4. Venue lies in this Court pursuant to, *inter alia*, CPLR § 503 because Defendant regularly conducts business within New York County, New York.

FACTS

5. Plaintiff is and at all relevant times herein has been engaged in the business of selling consumer electronics and other goods and services.

6. At all relevant times herein Defendant's business included the sale of merchandise manufactured by Defendant or other vendors to customers worldwide through its website www.amazon.com (the "Website").

7. Prior to the commencement of this action, Plaintiff and Defendant entered into an agreement (the "Agreement") dated July 20, 2012, whereby Plaintiff would sell its products to customers through Defendant's online platform.

8. Pursuant to the Agreement, Plaintiff commenced selling its products via Defendant's Website.

9. The parties operated successfully under the Agreement for at least two years following the date of the Agreement.

10. On or around April 30, 2014, Defendant suspended Plaintiff's selling privileges and closed Plaintiff's account.

11. Defendant alleged that Plaintiff submitted a high volume of false reimbursement requests.

12. Plaintiff disputed Defendant's allegations and maintained to Defendant that Defendant had previously acknowledged that the goods in question were lost at Defendant's warehouse for the vast majority of Plaintiff's reimbursement requests.

13. Plaintiff requested by email that Defendant reinstate its selling privileges under the Agreement.

14. By email dated August 16, 2014, Defendant denied Plaintiff's request to reinstate its selling privileges.

15. Plaintiff emailed Defendant on August 25, 2014, and again requested that Defendant reinstate selling privileges.

16. Defendant did not reply to Plaintiff's August 25, 2014 email.

17. By letter dated September 18, 2014, Plaintiff again requested that Defendant reinstate its selling privileges and asserted the same defenses as it previously stated.

18. Defendant did not reply to Plaintiff's September 18, 2014 letter.

19. Prior to Defendant's arbitrary suspension of Plaintiff's rights under the Agreement, Plaintiff bought and committed to purchase over \$1,000,000 in inventory to be sold by Defendant through the Website.

20. Plaintiff purchased this inventory in good faith and reliance on the terms of the Agreement.

AS AND FOR A FIRST CAUSE OF ACTION
Breach of Contract

21. Plaintiff repeats and realleges each and every allegation set forth in paragraphs "1" through "20" hereof as if more fully set forth herein.

22. On or about July 20, 2012, Plaintiff and Defendant entered into the Agreement.

23. Pursuant to the Agreement, Plaintiff agreed to provide to Defendant certain products for sale and Defendant agreed to sell those products through the Website.

24. Plaintiff duly performed all obligations, conditions, covenants and promises required under the Agreement.

WHEREFORE, Plaintiff demands judgment be entered in its favor and against the Defendant, (i) awarding damages in an amount to be determined at trial, but in any event, not less than \$1,000,000; (ii) awarding the costs and expenses of this action, including reasonable attorney's fees; and (iii) such other and further relief as this Court deems just and proper.

Dated: New York, New York

December 17, 2014

KLESTADT & WINTERS, LLP

By: 

Sean C. Southard

570 Seventh Avenue, 17th Floor

New York, New York 10017

(212) 972-3000

Attorneys for Plaintiff

SUPREME COURT OF THE STATE OF
NEW YORK, COUNTY OF NEW YORK
INDEX NO. 162477/2014

TABLET DISTRIBUTORS LLC,

Plaintiff/Petitioner,

-against-

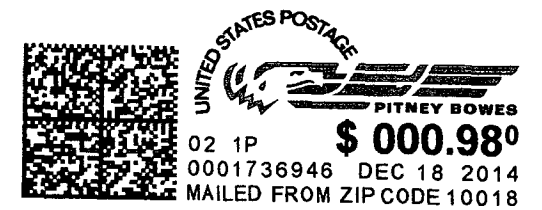
AMAZON.COM, INC.,

Defendant/Respondent.

SUMMONS & VERIFIED COMPLAINT

KLESTADT & WINTERS, LLP
570 Seventh Avenue, 17th Floor
New York, New York 10018
(212) 972-3000
Attn: Sean C. Southard

*Counsel to Plaintiff/Petitioner
Tablet Distributors LLC.*



Law Offices
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Amazon.com, Inc.
2711 Centerville Rd., Suite 400
Wilmington, DE 19808
Attn: Officer or Agent Authorized to
Accept Service

