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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

WHITNEY YOUNG and MARY KOKSTIS, a
married couple,

Plaintiffs,

v.

FUTURE MOTION, INC.,

Defendant.

NO. _____

COMPLAINT FOR DAMAGES

JURY TRIAL DEMANDED

COME NOW, Plaintiffs, Whitney Young (they/their) and Mary Kokstis (she/her), by and through their attorneys, Rachel M. Luke and Michael A. Angiulo of Friedman | Rubin PLLP, and allege as follows:

I. NATURE OF ACTION

1. This is a product liability, negligence, and injury action brought by Whitney Young and Mary Kokstis who bring this action to recover for severe injuries suffered as a result of a defective “Onewheel Pint X” product. The Onewheel electronic skateboard was designed, manufactured, marketed and distributed, and sold by Defendant Future Motion, Inc. (“Future Motion”).

2. The subject Onewheel Pint X, serial number 2217351275, is owned by Plaintiffs.



1 **II. PARTIES, JURISDICTION, AND VENUE**

2 3. Plaintiffs Whitney Young and Mary Kokstis are adult citizens and residents of the
3 State of Washington, who live in Burien, King County, Washington.

4 4. At all relevant times, Defendant Future Motion was a corporation organized and
5 existing under the laws of Delaware with its principal place of business located in California.

6 5. Future Motion may be served with process by serving its registered agent for
7 service, A Registered Agent, Inc., 8 The Green, Suite A, Dover, Delaware 19901.

8 6. Defendant Future Motion designed, manufactured, distributed, and sold the
9 Onewheel Pint X that is the subject of this Complaint to Plaintiffs.

10 7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1)
11 because diversity of citizenship exists and the amount in controversy exceeds \$75,000.00,
12 exclusive of fees, costs, and interest.

13 8. Venue is proper in the United States District Court for the Western District of
14 Washington under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions
15 giving rise to the claims stated herein occurred in the Western District of Washington.

16 9. The Court is authorized to exercise personal jurisdiction over Defendant pursuant
17 to Washington's Long-Arm Statute, RCW §§ 4.28.185(1)(a), (1)(b), and (1)(d) because Future
18 Motion transacts business within the State of Washington; committed a tortious act within the
19 State of Washington; contracted to insure persons, property, or risk located within the State of
20 Washington at the time of contracting; Future Motion engaged in substantial activity within the
21 State of Washington.

22 10. The injuries and damages alleged in this lawsuit arise out of, and are related to,
23 Defendant's contacts and activities in the State of Washington.



1 11. Defendant Future Motion derives substantial revenues from products it sells in the
2 State of Washington and in King County.

3 12. Future Motion marketed, distributed, and sold its Onewheel products in
4 Washington, including King County.

5 13. Future Motion has purposefully availed itself of the benefits and protections of the
6 laws of the State of Washington and has sufficient contacts such that the exercise of jurisdiction
7 would be consistent with the traditional notions of fair play and substantial justice.

8 14. Future Motion submitted itself to the jurisdiction of this Court by doing,
9 personally or through its agents, at all times relevant to this cause of action, the following acts:

- 10 a. Committing a tortious act within the state by selling and delivering defective
11 products, including Onewheel Pint Xs, to persons, firms, or corporations in this
12 state via distributors, dealers, and its website. Such Onewheel products were
13 used by consumers in Washington in the ordinary course of commerce and
14 trade;
- 15 b. Conducting and engaging in substantial business and other activities in
16 Washington by selling Onewheel products, component parts, and the Onewheel
17 app to persons, firms, or corporations in this state via distributors, dealers, and
18 its website. Such Onewheel products were used by consumers in Washington
19 in the ordinary course of commerce and trade;
- 20 c. The acts or omissions of Future Motion cause injuries to persons, including
21 Plaintiffs. At or about the time of said injuries, Future Motion engaged in
22 solicitation activities in Washington to purposefully promote the sale,
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1 consumption, and use of Onewheel products, including the one which is the
2 subject of this Complaint;

3 d. Selling Onewheel products and component parts, with knowledge or reason to
4 foresee that their Onewheel products would be shipped in interstate commerce
5 and would reach the market of Washington users and consumers;

6 e. Doing business in Washington and by recruiting Washington residents for
7 employment; and

8 f. Doing continuing business within the State of Washington through the ongoing
9 service of its Onewheel app.

10 15. Future Motion cannot deny personal jurisdiction in this Court for the following

11 reasons:

12 a. Future Motion has purposefully availed itself of the privileges and benefits of
13 conducting activities within Washington;

14 b. Future Motion placed the Onewheel product into the stream of commerce
15 under circumstances such that Future Motion should reasonably anticipate
16 being haled into court in Washington;

17 c. Future Motion's conduct and connection with Washington are such that Future
18 Motion should reasonably anticipate being haled into court in Washington;

19 d. Future Motion holds patents and trademarks which they demand must be
20 honored in Washington;

21 e. Future Motion has a regular plan for the distribution of their new and used
22 products within Washington with the goal of achieving a commercial benefit
23 from the sale of those products in Washington;

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- 1 f. Future Motion spends thousands of dollars per year marketing products in
- 2 Washington. In doing so, Future Motion developed a market in Washington for
- 3 its Onewheel products;
- 4 g. Future Motion engages in national marketing of its products that pervades into
- 5 Washington;
- 6 h. Future Motion targets marketing specific to Washington;
- 7 i. Future Motion's contacts with Washington principally relate to the sale of
- 8 Onewheel products and all of the conduct associated with such Onewheel
- 9 product sales and this civil action is related to and connected with the sale of
- 10 their Onewheel products in Washington;
- 11 j. Future Motion has at least hundreds of clients in Washington;
- 12 k. Future Motion oversees its product warranty process within Washington;
- 13 l. Future Motion participates in the interactive websites located within
- 14 Washington;
- 15 m. Future Motion gathers data about their Onewheel products performance in
- 16 Washington and uses that data in the redesign of their products;
- 17 n. There is little or no burden on Future Motion litigating this case in this Court;
- 18 o. It would be a tremendous burden and great inefficiency and unnecessary delay
- 19 imposed on Plaintiffs to litigate this case in another forum;
- 20 p. Washington has an interest in overseeing this litigation which involves injuries
- 21 to Washington residents and tortious transactions which occurred in
- 22 Washington and defective products sold in Washington;
- 23 q. Public policy favors resolution of this dispute in this District Court;
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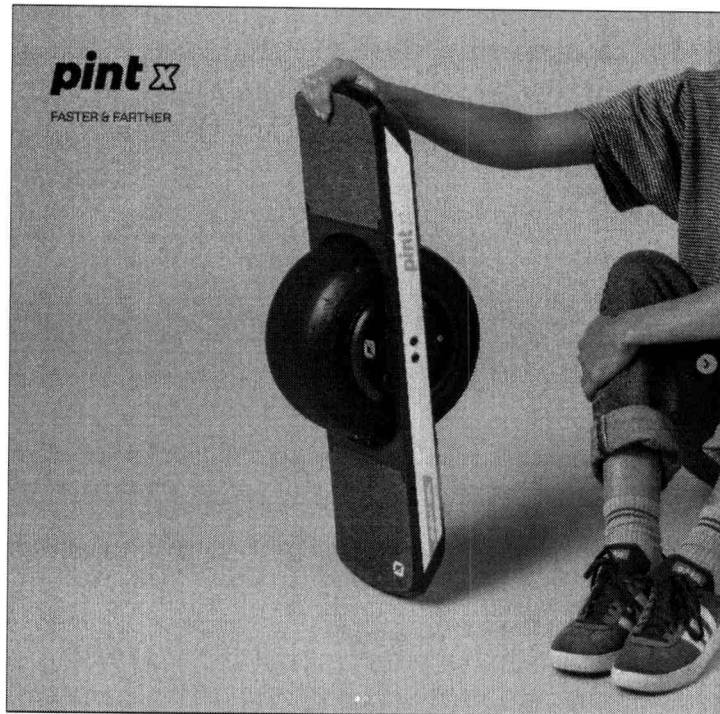
- r. Due process and fair play and substantial justice are honored by this civil action going forward in this District Court;
- s. The claims against Future Motion are linked, related, and/or arise out of Future Motion’s conduct in Washington; and
- t. Plaintiffs’ claims are connected with or relate to Future Motion’s contacts with Washington.

16. Future motion is directly responsible for Plaintiffs’ injuries and damages caused by the defective subject Onewheel that, upon information and belief, unexpectedly and without warning nosedived on July 7, 2022, resulting in the injuries and damages sought herein.

III. HISTORY OF SUBJECT PRODUCT

17. Future Motion’s “Onewheel” product is a self-balancing, battery-powered, one-wheeled transportation device that is often described as an electric skateboard. The product was and is designed, developed, tested, manufactured, inspected, produced, distributed, marketed, and sold by Defendant Future Motion. Upon information and belief, Future Motion developed and designed the subsystems that power the Onewheel, including motors, power electronics, battery modules, and smartphone applications (“apps”).





18. Operation of Future Motion’s Onewheel is controlled and/or monitored, in part, by an “app” installed on users’ smartphones. The Onewheel app allows users to view their total miles, battery life, speed, and other information. The published maximum speed for the Onewheel Pint X is 18 miles per hour.²

19. Future Motion promotes the Onewheel products as a safe transportation device that anyone from age 14 to 86 (their oldest known rider) can enjoy.³ On its website, Future Motion repeatedly claims that the Onewheel products are safe. Videos on Onewheel’s website depict the Onewheel device being operated in concrete drainage basins, through standing water, on an open highway (with cars approaching), across dirt paths, on the beach, through wooded areas, across fallen logs, and on and off the sidewalk.

¹ ONEWHEEL INSTAGRAM PAGE, https://www.instagram.com/p/CVjTfdcPduk/?utm_source=ig_web_copy_link (last visited November 29, 2022).

² MANUALS, ONEWHEEL PINT (X) OWNER’S MANUAL 2021- ENGLISH, <https://onewheel.com/pages/manuals-pint> (last visited November 21, 2022).

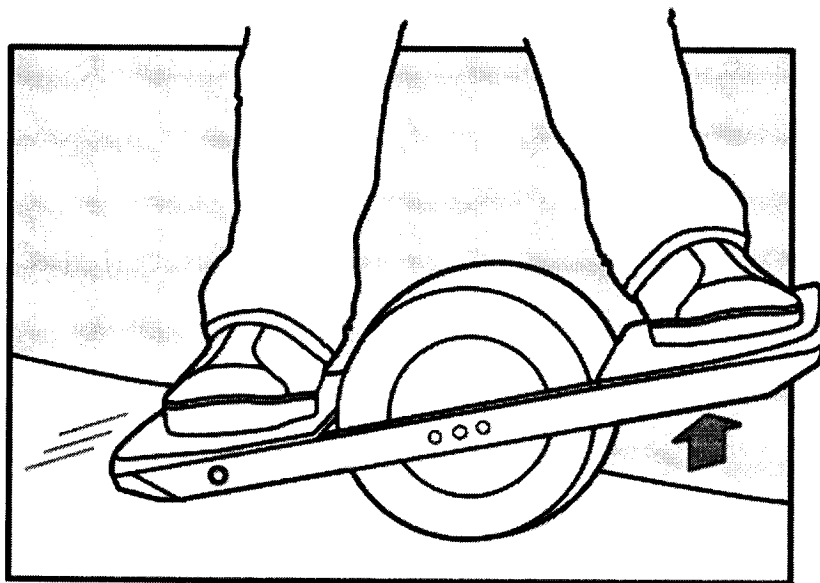
³ FAQ, ONEWHEEL.COM, <https://onewheel.com/pages/faq> (last visited November 21, 2022).



1 20. To ride a Onewheel, the rider must step on the back footpad, then place their foot on
2 the front footpad, and slowly bring themselves up to a balanced position. Once the rider is balanced,
3 the Onewheel’s motor engages. The rider can then lean forward to move forward and lean backward
4 to slow down. To turn, the rider puts pressure on either their toes or heels.

5 21. One major limitation of the Onewheel is that it requires power to keep the rider
6 balanced. A sudden loss of power causes the balancing functionality to cease, causing the device to
7 nosedive and throw the rider forward.

8 22. The Onewheel will provide the rider with “pushback” when approaching the
9 device’s limits during use. When the device reaches a “pushback situation, the nose of the board
10 [the front footpad] will lift to slow the rider down.”⁴ Often, however, instead of or in addition to
11 pushback, which is allegedly designed as a warning to riders to avoid a dangerous situation, the
12 Onewheel will simply shut off and nosedive, resulting in the rider being thrown from the device.
13 The harder the device works to maintain operations, the less the Onewheel is able to assist the rider
14 in balancing.



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⁴ Pushback, ONEWHEEL.COM, <https://onewheel.com/pages/push-back> (last visited November 21, 2022).



1 23. Once the motor’s resources reach a critical point, the motor’s normal ability to help
2 the rider balance disappears, and the rider will experience an unexpected nosedive. Often, this will
3 feel to the rider like the motor suddenly cut out or shut down. Different factors impact when and
4 what will cause the Onewheel to shut down and nosedive, including the rider’s weight, tire pressure,
5 wind direction, battery level, rider stance, and the grade of incline or decline. Thus, predicting
6 exactly when a nosedive will occur or what will cause one is practically impossible.

7 24. The primary cause of “pushback” nosediving is velocity. When experiencing
8 velocity pushback, the rider will feel the nose of the board rise to various degrees when a certain
9 velocity is reached. Often, velocity pushback occurs at a speed lower than that of the maximum due
10 to the above-mentioned factors.

11 25. Pushback and nosedives also occur on inclines and declines, purportedly to alert the
12 rider that the motor may be becoming overworked. The problem with this form of pushback,
13 however, is that it is difficult to discern if the rider is feeling pushback or whether it is the natural
14 resistance caused by the incline/decline.

15 26. While ascending hills, riders are already pressing against the nose and the grade of
16 the hill to ascend, and therefore may not discern pushback. While descending, a rider may not feel
17 pushback because his/her weight is likely already on the tail to control speed. Pushback in such
18 situations will likely result in a sudden nosedive or tail-slides, especially if the rider is unaware that
19 the board is giving them pushback. Again, the result will be that the rider feels the board suddenly
20 shut down during operation.

21 27. Another form of pushback occurs when the Onewheel is nearing battery depletion.
22 This pushback purportedly alerts riders by elevating the nose dramatically. When the Onewheel
23 purportedly senses that the batteries are about to be damaged by over-depletion, the board will shut
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1 off entirely, leaving the rider suddenly and unexpectedly off-balance, often resulting in the rider
2 being thrown from the board.

3 28. Yet another form of pushback is referred to as regeneration pushback. One way that
4 the Onewheel recharges its battery is to collect kinetic energy when going down a decline and to
5 reserve such power in the battery. However, this may result in the battery becoming overcharged,
6 which would damage the battery. Future Motion “addressed” this problem by designing the board to
7 suddenly and unexpectedly shut down to prevent battery damage. The same problems in discerning
8 pushback while ascending/descending also occur in this situation.

9 29. Another common cause of nosedives is acceleration. If a rider attempts to accelerate
10 quickly, the motor may not support the sudden weight and force on it and the nose will suddenly
11 drop. Yet, Future Motion advertises its Onewheel’s ability to accelerate quickly, even from a
12 complete stop. Such acceleration nosedives can happen at any speed, even from a dead stop, and the
13 rider will feel as though the motor has suddenly cut out or shut off. Tail-slides occur when the rider
14 shifts their weight onto the back of the board and thereby overwhelms the motor. In that case, the
15 tail of the board will suddenly drop and slide on the ground, causing the rider to become instantly
16 unbalanced.

17 30. The rider can easily override pushback in all situations by continuing to lean forward
18 and accelerate.⁵ Often, when the rider does not perceive the pushback sensation, this override is
19 done unintentionally. In many cases, the lift of the pushback may not be noticeable to the rider or
20 might be indistinguishable from the sensation of pressing forward to accelerate or travel uphill or
21 downhill.

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24 ⁵ PUSHBACK, ONEWHEEL.COM, <https://onewheel.com/pages/push-back> (last visited November 21, 2022).



1 31. When pushback override occurs, the motor of the Onewheel shuts off, causing the
2 front footpad (the “nose”) of the device to violently slam into the ground, propelling the rider
3 forward. Often, the rider lands on their head, causing severe injury.

4 32. Upon information and belief, when pushback occurs, the momentum of the rider will
5 continue forward at a faster speed than the wheel, causing an ejection, unless the rider
6 simultaneously shifts their weight back to compensate. Because this rider response has to be
7 simultaneous, Future Motion added an audible feature, but only to the Onewheel GT model, called
8 “safety beep” that lets the rider know the pushback is happening. The safety beep is not a feature on
9 the subject Onewheel.

10 33. Not only is it prohibitively difficult to determine when nosedives/tail-slides/shutoffs
11 will occur, but the result of such unexpected and undiscernible events almost invariably cause the
12 rider to be ejected or fall from the board, resulting in severe injuries, as occurred in this case. A
13 Onewheel nosedive or shut-off is not a mild event as it might be with any other type of vehicle. The
14 front of the board violently slams into the ground and the rider is thrown forward.

15 34. On November 16, 2022, the United States Consumer Product Safety Commission
16 (“CPSC”) issued a warning to consumers to stop use of Onewheel products due to the ejection
17 hazard.⁶ The press release notes “Future Motion has refused to agree to an acceptable recall of the
18 product. CPSC intends to continue pursuing a recall for consumers. CPSC urges consumers not to
19 buy the Onewheel. If you already own one or purchased one, do not use it due to the ejection
20 hazard.” *Id.*

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22 ⁶ CPSC WARNS CONSUMERS TO STOP USING ONEWHEEL SELF-BALANCING ELECTRIC
23 SKATEBOARDS DUE TO EJECTION HAZARD; AT LEAST FOUR DEATHS AND MULTIPLE INJURIES
24 REPORTED, <https://www.cpsc.gov/Newsroom/News-Releases/2023/CPSC-Warns-Consumers-to-Stop-Using-Onewheel-Self-Balancing-Electric-Skateboards-Due-to-Ejection-Hazard-At-Least-Four-Deaths-and-Multiple-Injuries-Reported> (last visited November 21, 2022).



IV. THE INCIDENT

35. On July 7, 2022, Plaintiff Whitney Young was riding the subject Onewheel in their neighborhood in Seattle, located in King County, Washington. Upon information and belief, Whitney Young was riding the subject Onewheel on a paved road with a very gradual incline when they were suddenly and without warning thrown off the subject Onewheel, causing severe head trauma resulting in traumatic brain injury as well as orthopedic injuries.

36. Plaintiff Whitney Young was transported by ambulance to the Valley Medical Center’s emergency room and was later airlifted to Harborview Medical Center’s trauma center.

37. Plaintiff Whitney Young incurred substantial medical expenses for treatment of these injuries and will continue to incur medical charges for future treatment. As a result of the incident, Plaintiff Whitney Young sustained severe physical injuries, physical and emotional pain and suffering, including but not limited to brain injury with memory loss, skull fracture, brain bleed, collarbone fracture, and other injuries.

38. Prior to this incident, Plaintiff Whitney Young had a history of riding devices like the Onewheel. Plaintiff Whitney Young was an avid snowboarder and had used a rented Onewheel device prior to purchasing the subject Onewheel.



1 39. After purchasing the subject Onewheel, Plaintiff Whitney Young used the device
2 for transportation and for fun.

3 40. The subject Onewheel is defective in its design, manufacture, and/or warning.

4 41. The defective condition of the subject Onewheel rendered the product
5 unreasonably dangerous for its designed, intended, and foreseeable uses.

6 42. The subject Onewheel failed to perform as safely as an ordinary consumer would
7 expect when riding the subject Onewheel as intended in a foreseeable ride.

8 43. The subject Onewheel's defective and unreasonably dangerous condition existed
9 at the time the subject Onewheel left Defendant's final possession, custody, and control.

10 44. The subject Onewheel remained in its defective and unreasonably dangerous
11 condition until and throughout the incident that forms the basis of this lawsuit.

12 45. The subject Onewheel's defective condition actually and proximately caused
13 injury and damage to Plaintiffs.

14 46. As a result of the subject incident, Plaintiff Mary Kokstis sustained damages for
15 loss of consortium and support and loss of enjoyment of life as a result of the injuries suffered by
16 her spouse, Whitney Young.

17 **V. CAUSE OF ACTION UNDER WASHINGTON**
18 **PRODUCT LIABILITY ACT**

19 47. Plaintiffs restate and reallege paragraphs 1-46.

20 48. Defendant Future Motion is a product manufacturer within the meaning of RCW
21 7.72.010.

22 49. At all relevant times hereto, Defendant Future Motion was engaged in the business
23 of designing, manufacturing, marketing, testing, selling, distributing, and supplying the subject
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1 Onewheel and otherwise placed the subject Onewheel used by Plaintiff Whitney Young into the
2 stream of commerce.

3 50. Defendant Future Motion was in the business of issuing instructions, guidelines,
4 warnings, cautions, and service information concerning the use of the subject Onewheel.

5 51. At all times, Defendant Future Motion held final design approval authority for the
6 subject Onewheel, and Plaintiffs relied upon the instructions, warnings, and recommendations of
7 Future Motion.

8 52. The subject Onewheel is defective in its design, manufacture, and/or warning.

9 53. The subject Onewheel's defective condition rendered it unreasonably dangerous for
10 its designed, intended, and foreseeable uses.

11 54. The subject Onewheel's defective condition actually and proximately caused injury
12 and damage to Plaintiffs.

13 55. The action brought herein against Defendant Future Motion is brought pursuant to
14 the common law of negligence and the Washington Product Liability Act, Chapter RCW 7.72.
15 Plaintiffs allege by reference, against Defendant each of the causes of action enumerated in RCW
16 7.72, including, but not limited to, strict liability, manufacturing defect, negligence, breach of
17 express or implied warranty, failure to warn, failure to properly instruct as to use, misrepresentation,
18 concealment, nondisclosure and/or negligent and defective design, assembly and manufacture.

19 56. As a direct and proximate result of the subject Onewheel's defective condition,
20 Plaintiff Whitney Young has suffered serious and permanent injuries requiring surgical
21 intervention, pain and suffering, mental anguish, emotional distress, disability and loss of
22 enjoyment of life from the incident on July 7, 2022.



1 **VI. CAUSE OF ACTION FOR NEGLIGENCE**

2 57. Plaintiffs restate and reallege paragraphs 1-56.

3 58. Defendant Future Motion designed, manufactured, distributed, supplied, and sold
4 the subject Onewheel and otherwise placed the subject Onewheel used by Plaintiff Whitney
5 Young into the stream of commerce.

6 59. Defendant owed a duty to properly design, manufacture, distribute, supply, and
7 sell the subject Onewheel in a safe condition and without defect.

8 60. Defendant owed a duty to adequately test, inspect, and assure the quality of the
9 subject Onewheel before placing it into the stream of commerce.

10 61. Defendant owed a duty to provide adequate warnings, instructions, and
11 information with the subject Onewheel.

12 62. Defendant breached the above duties.

13 63. Defendant's breach of duties actually and proximately caused injury and damage
14 to Plaintiffs.

15 64. As a direct and proximate result of Future Motion's negligence and breaches
16 identified herein, Plaintiff Whitney Young suffered serious and permanent injuries requiring
17 surgical intervention, pain and suffering, mental anguish, and emotional distress, from the
18 incident on July 7, 2022.

19 **VII. JURY DEMAND**

20 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiffs demand trial
21 by jury in this action of all issues so triable.
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VIII. PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for entry of judgment against Defendant Future Motion, Inc. Plaintiffs pray for the award of the following damages:

1. For general damages for the physical, mental, and emotional pain and suffering, disability and loss of enjoyment of life, impairment of earning capacity, loss of services, including loss of consortium, and all such other damages as are just and recoverable as general damages;

2. For special damages in an amount to be proven at the time of trial for all medical expenses past and future, lost earning capacity, and all other such recoverable special damages arising from the injuries;

3. For all other general and special damages recoverable under Washington State law or any other applicable law;

4. For costs, including reasonable attorney fees as allowed by law; and

5. For such other relief that the Court may deem just and equitable.

Dated this 1st day of December 2022.

FRIEDMAN | RUBIN PLLP

/s/ Rachel M. Luke

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