

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Tori Davis v. Amazon.com, Inc., et al.

Davis · No. Civil Action No. 25-468 · Decided April 9, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana considers Amazon’s partial motion to dismiss Counts 2 through 7 of Tori Davis’s complaint arising from a Baseus magnetic power bank that allegedly caught fire. The court dismisses the negligence claim with prejudice because the complaint did not allege a negligent undertaking, dismisses the declaratory-relief claim as duplicative, and allows the redhibition claim to proceed. The opinion discusses the Louisiana Products Liability Act, negligent undertaking under *Pickard v. Amazon.com, Inc.*, and Louisiana redhibition law.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Susie Morgan
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 9, 2026
DOCKET	Civil Action No. 25-468
DISPOSITION	other
PROCEDURAL POSTURE	Amazon moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Counts 2 through 7 of Plaintiff's Second Supplemental and Amending Complaint.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, disregards legal conclusions and conclusory allegations, and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tori Davis v. Amazon.com, Inc., Shenzen Baseus Technology Co., LTD d/b/a Baseus

TOPICS

- motions to dismiss
- products liability
- negligence
- consumer protection
- declaratory judgment

PRACTICE AREAS

products liability

consumer protection

civil procedure

contract remedies

QUESTIONS PRESENTED

1. Whether Davis plausibly alleged a Louisiana negligent-undertaking claim against Amazon.
2. Whether Davis's request for declaratory relief was duplicative of her redhibition claim.
3. Whether Davis plausibly alleged a Louisiana redhibition claim against Amazon.
4. Whether Counts 5 and 6 stated independent causes of action under the Consumer Product Safety Act or related consumer-protection statutes.
5. Whether the Magnuson-Moss Warranty Act claim should be dismissed because the related redhibition claim allegedly failed.

HOLDINGS

1. The negligent-undertaking claim in Count 2 fails because the complaint did not allege that Amazon affirmatively or positively undertook a duty to evaluate, identify, remove, or warn customers about unsafe products, nor did it allege any of the additional Section 324A conditions concerning increased risk, performance of another's duty, or reliance.
2. The request for declaratory relief in Count 3 is duplicative and was properly dismissed because adjudication of the substantive redhibition claim would resolve the same issues concerning contractual limitations and waiver.
3. Davis plausibly alleged a redhibition claim because she alleged that the power bank had a nonapparent defect existing at the time of sale, rendered the product unsafe and unfit for its intended purpose, and was sufficiently serious that a reasonable buyer would not have purchased it if aware of the defect.
4. Counts 5 and 6 did not state independent causes of action, so Amazon's motion to dismiss those counts was denied as moot; to the extent the plaintiff sought damages directly under the cited statutes, those causes of action were dismissed.
5. The Magnuson-Moss Warranty Act claim in Count 7 would not be dismissed on the ground asserted by Amazon because the court denied dismissal of the related redhibition claim.

KEY QUOTATIONS

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’”

“A declaratory judgment is not a substantive cause of action, but rather “a remedy available to a litigant who can point to an existing right that the Court has jurisdiction to enforce.””

“The Plaintiff has failed to allege a cause of action for negligent undertaking against Defendant and Count 2 will be dismissed with prejudice.”

FACTUAL BACKGROUND

Davis alleged that she purchased a Baseus magnetic power bank through Amazon and charged it in her vehicle on March 9, 2024. The power bank allegedly spontaneously ignited, producing flames and heavy smoke, causing physical injuries to Davis and her minor children and destroying the vehicle and other personal property. Davis alleged that the product was defective and that Amazon had actual or constructive knowledge of the defect through customer complaints, returns data, similar incidents, and a later product recall.

PROCEDURAL HISTORY

Davis sued Amazon and Baseus after a Baseus magnetic power bank allegedly ignited in her vehicle and injured her and her children. The complaint asserted claims under the Louisiana Products Liability Act, negligence, declaratory relief, redhibition, negligence per se based on the Consumer Product Safety Act, deceptive and unfair trade practices, and the Magnuson-Moss Warranty Act. Amazon moved to dismiss Counts 2 through 7, and the court ordered supplemental briefing concerning the Louisiana Supreme Court's decision in *Pickard v. Amazon.com, Inc.* The court dismissed Counts 2 and 3 with prejudice, denied dismissal of Count 4 and Count 7, and denied the motion as moot as to Counts 5 and 6.

DISPOSITION

other

CASES CITED

- *Pickard v. Amazon.com, Inc.*, 387 So. 3d 515 (La. 2024)
- *Bujol v. Entergy Services, Inc.*, 922 So. 2d 1113 (La. 2006)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *Cuvillier v. Taylor*, 503 F.3d 397 (5th Cir. 2007)
- *S. Christian Leadership Conference v. Supreme Court of the State of Louisiana*, 252 F.3d 781 (5th Cir. 2001)
- *Fernandez-Montes v. Allied Pilots Association*, 987 F.2d 278 (5th Cir. 1993)
- *Cutrer v. McMillan*, 308 F. App'x 819 (5th Cir. 2009) (per curiam)
- *Smith v. GE Healthcare, Inc.*, 2019 WL 4565246 (W.D. La. 2019)
- *Dong Phuong Bakery, Inc. v. Gemini Society, LLC*, 2022 WL 898750 (E.D. La. 2022)
- *Merrell v. 1st Lake Properties, Inc.*, 717 F. Supp. 3d 512 (E.D. La. 2024)
- *George v. Hobby Lobby Stores, Inc.*, 769 F. Supp. 3d 537 (E.D. La. 2025)
- *Wilton v. Seven Falls Co.*, 515 U.S. 277 (1995)
- *Fisher v. Beers*, 2014 WL 3497572 (E.D. La. 2014)
- *Landscape Design & Construction, Inc. v. Transportation Leasing/Contract*, 2002 WL 257573 (N.D. Tex. 2002)
- *Safeco Insurance Co. of America v. Chrysler Corp.*, 834 So. 2d 1026 (La. App. 3 Cir. 2002)
- *TruSouth Oil, LLC v. Burlington Insurance Co.*, 2012 WL 4483465 (W.D. La. 2012)
- *Johnson v. CHL Enterprises*, 115 F. Supp. 2d 723 (W.D. La. 2000)

- Molbert Brothers Poultry & Egg Co. v. Montgomery, 261 So. 2d 311 (La. App. 3 Cir. 1972)
- Landaiche v. Supreme Chevrolet, Inc., 602 So. 2d 1127 (La. App. 1 Cir. 1992)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/united-states-district-court-for-the-eastern-district-of-lou/2026/tori-davis-v-amazon-com-inc-et-al-kti2erj1>