IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

CANDICE CRAWFORD, individually and on behalf of P.C., a minor, Plaintiffs, v. TARGET CORPORATION; WALMART, INC.; AND WALGREEN CO. Defendants.	Court File No. _____ **COMPLAINT** **DEMAND FOR JURY TRIAL**

Plaintiff Candice Crawford brings this Complaint for damages against Target Corporation, Walmart, Inc. and Walgreen Co., in her individual capacity and on behalf of her minor child, P.C. In support of this Complaint, Plaintiff alleges the following:

1. Plaintiff Candice Crawford ("Plaintiff Mother") brings this action for injuries she and her minor child, P.C., ("Plaintiff Minor") (hereinafter collectively "Plaintiffs") have suffered arising out of the failure of Defendants Target Corporation (hereinafter "Defendant Target"), Walmart, Inc. (hereinafter "Defendant Walmart") and Defendant Walgreen Co. (hereinafter "Defendant Walgreens"), to warn about the dangers of prenatal exposure to Paracetamol, also known as Acetaminophen (hereinafter "the APAP Products"). As a result, Plaintiffs have suffered permanent injuries and significant pain and suffering, emotional distress, lost wages and earning capacity, and diminished quality of life. Plaintiffs respectfully seek all damages to which they may be legally entitled.

2. Defendants Target, Walmart, and Walgreens entirely failed their duties to adequately warn of the hazards of prenatal exposure to APAP, which was a direct and proximate cause of Plaintiffs' injuries and associated damages.

PARTIES

3. At all material times, Plaintiffs have been citizens and residents of Livingston Parish, Louisiana, and the United States.

4. Defendant Target is incorporated in the State of Minnesota, with its principal place of business in Minnesota.

5. Defendant Target is a multinational company involved in the research, development, testing, manufacture, labeling, production, marketing, promotion, and/or sale of APAP through its over-the-counter store brand, "Up & Up" (the "APAP Products.")

6. Defendant Target is individually, and jointly and severally liable to Plaintiffs for damages they suffered arising from Defendant Target's design, manufacture, marketing, labeling, distribution, sale, and placement of the defective Target APAP Products into the market, effectuated directly and indirectly through its agents, servants, employees, and/or owners, all acting within the course and scope of its agencies, services, employments, and/or ownership.

7. Defendant Target is vicariously liable for the acts and/or omissions of its employees and/or agents, who were at all material times acting on behalf of Defendant Target and within the scope of its employment or agency.

8. Defendant Walmart is incorporated in the State of Delaware with its principal place of business in Arkansas.

9. Defendant Walmart is a multinational company involved in the research, development, testing, manufacture, labeling, production, marketing, promotion, and/or sale of APAP through its over-the-counter store brand "Equate" (the "APAP Products").

10. Defendant Walmart mart is individually, and jointly and severally liable to Plaintiffs for damages they suffered, arising from Defendant Walmart's design, manufacture, marketing, labeling, distribution, sale, and placement of the defective Walmart APAP Products into the market, effectuated directly and indirectly through its agents, servants, employees, and/or owners, all acting within the course and scope of its agencies, services, employments, and/or ownership.

11. Defendant Walmart is vicariously liable for the acts and/or omissions of its employees and/or agents, who were at all material times acting on behalf of Walmart and within the scope of its employment or agency.

12. Defendant Walgreens is incorporated in the State of Delaware, with its principal place of business in Illinois.

13. Defendant Walgreens is a multinational company involved in the research, development, testing, manufacture, labeling, production, marketing, promotion, and/or sale of APAP through its over-the-counter store brand, Walgreens Pain Reliever – Acetaminophen (the "APAP Products.")

14. Defendant Walgreens is individually, and jointly and severally liable to Plaintiffs for damages they suffered, arising from Defendant Walgreen's design, manufacture, marketing, labeling, distribution, sale, and placement of the defective Walgreens APAP Products into the market, effectuated directly and indirectly through its

agents, servants, employees, and/or owners, all acting within the course and scope of its agencies, services, employments, and/or ownership.

15. Defendant Walgreens is vicariously liable for the acts and/or omissions of its employees and/or agents, who were at all material times acting on behalf of Walgreens and within the scope of its employment or agency.

16. Defendant Target, Defendant Walmart and Defendant Walgreens are hereinafter collectively referred to as "Defendants."

17. The defective APAP Products manufactured and marketed by Defendants are hereinafter collectively referred to as "the APAP Products."

JURISDICTION AND VENUE

18. This Court has subject-matter jurisdiction under 28 U.S.C. § 1332(a), based on complete diversity of citizenship between Plaintiffs and Defendants. *See supra* ¶¶ 3–4.

19. The amount in controversy exceeds $75,000.00.

20. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because the events or omissions giving rise to Plaintiffs' claims occurred in this judicial district.

21. Defendants have and continue to conduct substantial business in the State of Minnesota and in this District, distribute the APAP Products in this District, receive substantial compensation and profits from sales of the APAP Products in this District, and have made material omissions and misrepresentations and breaches of warranties in this District so as to subject Defendants to *in personam* jurisdiction in this District.

22. Defendants are registered to transact business in Minnesota.

FACTS COMMON TO ALL COUNTS

APAP Is Marketed as the Safe Pain Reliever for Pregnant Women, but APAP Can Cause ASD/ADHD in Children

23. APAP is widely used by pregnant women to relieve pain during the term of their pregnancy.

24. APAP was initially discovered in the late 1800s.

25. APAP was introduced to the US market in 1955 as the first aspirin-free pain reliever. APAP was originally marketed and sold as a product to reduce fever in children, packaged like a red fire truck with the slogan "for little hotheads."

26. APAP is sold in billions of units annually in North America alone.

27. APAP has long been marketed as the safest and the *only* appropriate over-the-counter pain relief drug on the market for pregnant women.

28. More than 65% of women in the United States use APAP Products during pregnancy.

29. Based upon information and belief, a majority of women who use the APAP Products during pregnancy do so electively for the treatment of headaches, muscle pain, back pain, and infection.

30. These pregnant women electively choose to take APAP because Defendants have marketed the APAP Products as a safe pain reliever for pregnant women.

31. However, experimental and epidemiological research shows that prenatal exposure to APAP alters fetal development, which significantly increases the risks of

neurodevelopmental disorders, including, but not limited to, autism spectrum disorder ("ASD") and attention-deficit/hyperactivity disorder ("ADHD.")

32. Undisturbed development of the human brain in utero is vital to the health and wellness of a child's development. The human brain is vulnerable and extremely sensitive in utero. During this sensitive time-period in utero, certain chemicals have been found to cause permanent brain injury at low exposure levels.

33. Once ingested by the mother, APAP is known to readily cross the placenta and blood-brain barrier.

34. ASD is a serious neurological and developmental disorder that affects how people interact with others, communicate, learn, and behave.

35. There are three functional levels of ASD, with Level 1 requiring support with activities of daily living, Level 2 requiring substantial support with activities of daily living, and Level 3 requiring very substantial support with activities of daily living.

36. Treatments for ASD include behavioral management therapy, cognitive behavior therapy, joint attention therapies, medications, occupational therapy, physical therapy, social skill training, and speech-language therapy. Treatment for ASD lasts a lifetime, as there is no cure.

37. In or around 2018, the Center for Disease Control and Prevention ("CDC") found that 1 in 44 (2.3%) 8-year-old children have been diagnosed with ASD.

38. This represents an increase from a prior CDC finding that 1 in 68 U.S. children born in 2002 have ASD, which already represented a more than a 100% increase compared with children born a decade prior.

39. Parental awareness and changes in diagnoses do not account for the rapid rise in these diagnoses.

40. Rather, neurotic exposures, such as prenatal APAP exposure, explain a trending increase in diagnosis.

41. For years, the scientific community has published studies showing that prenatal ingestion of APAP can cause ASD and ADHD.

42. For instance, since 2013, there have been six European birth cohort studies, examining over 70,000 mother-child pairs, showing the association between prenatal use of APAP and ASD and ADHD.

43. At this time, the overall body of scientific evidence shows that prenatal use of APAP can cause ASD and ADHD in the child.

44. During all relevant times herein, Defendants were engaged in the business of manufacturing and selling the APAP Products in the United States, and the weight of the scientific evidence available showed prenatal exposure to APAP significantly increases the risk of neurodevelopmental disorders in children exposed to APAP prenatally, including but not limited to ASD and ADHD.

45. The scientific evidence regarding the risks of in utero exposure of APAP was available to Defendant, and Defendants knew or should have known that prenatal use of APAP can cause ASD or ADHD.

46. Based on information and belief, Defendants have concealed the prenatal APAP exposure-neurodevelopmental link from consumers, like Plaintiff Mother, by failing to include information regarding the risk in the product labeling for the APAP products.

47. Moreover, despite knowing that prenatal use of APAP products can cause ASD or ADHD, Defendants continue to market the APAP Products as the safe pain reliever for pregnant women, making mothers believe they are choosing a safe drug for even minor aches, pains, and headaches.

Plaintiff Mother Took APAP Products While Pregnant and it Caused ADHD in Plaintiff Minor

48. Plaintiff Mother began using the APAP Products in or around November 2014 through May 5, 2015, when she was pregnant with Plaintiff Minor.

49. Over the course of her pregnancy, and during each trimester, Plaintiff Mother took the APAP Products almost every day to address minor aches and pains in her back and lower extremities.

50. Plaintiff Mother believed it was safe for her to take the APAP Products during her pregnancy.

51. There is no warning on the APAP Products' labels specifically addressing the risks of ADHD if a mother ingests the APAP Products while pregnant.

52. Had Plaintiff Mother known of the risk of taking the APAP Products while pregnant, specifically that it could cause ADHD in Plaintiff Minor, she would not have taken the APAP Products.

53. Plaintiff Minor was born on May 5, 2015.

54. Sometime thereafter, it was discovered that Plaintiff Minor suffered from speech delay.

55. After beginning elementary school, Plaintiff Minor began having behavioral issues such as tantrums, difficulty sitting still, and keeping quiet.

56. Plaintiff Minor also struggles with aggression and maintaining focus at school.

57. Plaintiff Minor was ultimately diagnosed with ADHD in or around November 2021.

58. Plaintiff Minor's ADHD puts an incredible strain on Plaintiff Mother and their family.

59. Plaintiff Minor's ADHD has interfered with the development of his verbal and academic skills.

60. Plaintiff's Mother fears for Plaintiff Minor and experiences significant stress and anxiety due to the challenges associated with Plaintiff Minor's ADHD.

CAUSES OF ACTION

COUNT ONE

STRICT LIABILITY – FAILURE TO WARN
Against Defendants Target, Walmart, and Walgreens

61. Plaintiffs incorporate by reference the allegations in all prior paragraphs.

62. At the time of Plaintiffs' injuries, the APAP Products were defective and unreasonably dangerous to foreseeable consumers, including Plaintiff Mother, because they lacked an adequate warning.

63. At all relevant times, Defendants engaged in the business of testing, developing, designing, manufacturing, marketing, labeling, selling, distributing, and

promoting the APAP Products, which were defective and unreasonably dangerous to consumers, including Plaintiff Mother, because they did not contain adequate warnings or instructions concerning the dangerous characteristics of ingesting APAP Products during pregnancy. These actions were under the ultimate control and supervision of Defendants. At all relevant times, Defendants registered, researched, manufactured, distributed, marketed, labeled, promoted, and sold the APAP Products within this District and aimed the marketing at the ultimate consumer. Defendants were at all relevant times involved in the retail and promotion of the APAP Products marketed and sold in this District.

64. Defendants had a duty to warn of the risks associated with the use of the APAP products.

65. The APAP Products ingested by Plaintiff Mother during pregnancy were in the same or substantially similar condition as they were when they left possession of Defendants.

66. Defendants expected and intended the APAP Products to reach users such as Plaintiff Mother in the condition in which the APAP Products were sold.

67. Plaintiff Mother did not materially alter the APAP Products prior to ingestion.

68. Plaintiff Mother ingested the APAP Products as indicated on the APAP Products' labels.

69. Plaintiff Mother was unaware of the defects and dangers of the APAP Products and was unaware that prenatal exposure increases the risk of brain and behavioral development of children in utero.

70. The labels on the APAP Products lack any warning specific to pregnant women. The information that Defendants did provide or communicate failed to contain relevant warnings, hazards, and precautions that would have enabled consumers such as Plaintiff Mother to utilize the products safely and with adequate protection or decide to not ingest the APAP Products at all.

71. This alleged failure to warn is not limited to the information contained on the APAP Products' labeling. Defendants were able, in accord with federal law, to comply with relevant state law by disclosing the known risks associated with APAP Products through other non-labeling mediums, i.e., promotion, advertisements, public service announcements, and/or public information sources. But Defendants did not disclose these known risks through any medium.

72. At all relevant times, Defendants had a duty to properly test, develop, design, manufacture, inspect, package, label, market, promote, sell, distribute, maintain, and supply the APAP Products; provide proper warnings for the APAP Products; and take such steps as necessary to ensure the APAP Products did not cause users and consumers, and their children, to suffer from unreasonable and dangerous risks. Defendants had a continuing duty to warn Plaintiff Mother of dangers associated with the APAP Products. Defendants, as manufacturers, sellers, and/or distributors of pharmaceutical medication, are held to the knowledge of an expert in the field.

73. At the time of manufacture, Defendants could have provided the warnings or instructions regarding the full and complete risks of the APAP Products because

Defendants knew or should have known of the unreasonable risks of ADHD associated with prenatal exposure to and/or the use of such products.

74. At all relevant times, Defendants failed and deliberately refused to investigate, study, test, or promote the safety of the APAP Products, or to minimize the dangers to consumers of the APAP Products and to those who would foreseeably use or be harmed by the APAP Products, including Plaintiffs.

75. Defendants failed to adequately warn consumers, like Plaintiff Mother, about the significant increased risk of neurodevelopmental disorders in children exposed to the APAP Products prenatally, including but not limited to ADHD.

76. Defendants failed to adequately inform reasonably foreseeable consumers, like Plaintiff Mother, of the proper usage of the APAP Products.

77. Even though Defendants knew or should have known that the APAP Products posed a grave risk of harm to Plaintiff Minor, Defendants failed to exercise reasonable care to warn of the dangerous risks associated with use and prenatal exposure.

78. Plaintiff Mother was exposed to the APAP Products without knowledge of their dangerous characteristics.

79. At all relevant times, Plaintiff Mother used and/or was exposed to the use of the APAP Products while using them for their intended or reasonably foreseeable purposes, without knowledge of their dangerous characteristics.

80. Plaintiff Mother could not have reasonably discovered the defects and risks associated with the APAP Products prior to or at the time of Plaintiff Mother consuming the APAP Products. Plaintiff Mother relied upon the skill, superior knowledge, and

judgment of Defendants to know about and disclose serious health risks associated with using the APAP Products.

81. If Plaintiff Mother had been properly warned of the defects, dangers, and risks associated with prenatal exposure to the APAP Products, Plaintiff Mother would have utilized the APAP Products safely and with adequate protection or would have decided to not ingest the APAP Products at all.

82. Defendants are liable to Plaintiffs for injuries caused by Defendants' negligent or willful failure, as described above, to provide adequate warnings or other relevant information and data regarding the appropriate use of the APAP Products and the risks associated with the use of APAP Products.

83. As a direct and proximate result of Defendants placing defective APAP Products into the stream of commerce, and Plaintiff Mother's ingestion of the APAP Products during pregnancy, Plaintiff Minor was exposed to APAP Products prenatally, causing him to develop ADHD.

84. As a direct and proximate result of Defendants placing defective APAP Products into the stream of commerce, Plaintiffs have suffered permanent injuries, significant pain and suffering, emotional distress, lost wages and earning capacity, and diminished quality of life. Plaintiffs respectfully seek all damages to which they may be legally entitled.

COUNT TWO

NEGLIGENCE
Against Defendants Target, Walmart, and Walgreens

85. Plaintiffs incorporate by reference the allegations in all prior paragraphs.

86. Although Defendants had a duty to use reasonable care in testing, developing, designing, manufacturing, marketing, labeling, selling, distributing, promoting, and preparing written instructions and warnings for the APAP Products, Defendants failed to do so.

87. Defendants, directly or indirectly, caused the APAP Products to be sold, distributed, packaged, labeled, marketed, promoted, and/or used by Plaintiff Mother. At all relevant times, Defendants registered, researched, manufactured, distributed, marketed, promoted, and sold the APAP Products within this district and aimed at a consumer market within this district.

88. Defendants knew, or in the exercise of reasonable care should have known, that the APAP Products were defectively and unreasonably designed and/or manufactured, and/or marketed, and were unreasonably dangerous and likely to injure persons that were prenatally exposed to them. Defendants knew or should have known that Plaintiff Mother was unaware of the dangers and defects inherent in the APAP Products when she was ingesting them during her pregnancy with Plaintiff Minor.

89. At all relevant times, Defendants had a duty to exercise reasonable care in the marketing, advertisement, promotion, and sale of the APAP Products. Defendants' duty of care owed to consumers and the general public included providing accurate, true,

and correct information concerning the risks of using the APAP Products during pregnancy and appropriate, complete, and accurate warnings concerning the potential adverse effects of the APAP Products and, in particular, the significantly increased risk of causing neurodevelopmental disorders in children through prenatal exposure to the APAP Products.

90. At all relevant times, Defendants knew or, in the exercise of reasonable care, should have known of the hazards and dangers of APAP Products ingestion while pregnant and, specifically, the significantly increased risk of causing neurodevelopmental disorders in children through prenatal exposure to APAP Products.

91. Defendants failed to provide any kind of warning to pregnant consumers, like Plaintiff Mother, about the significantly increased risk of causing neurodevelopmental disorders in children through prenatal exposure to APAP Products.

92. Accordingly, at all relevant times, Defendants knew or, in the exercise of reasonable care, should have known that use of the APAP Products could cause Plaintiffs' injuries, and thus, create a dangerous and unreasonable risk of injury to the users of these products, including Plaintiffs.

93. As such, Defendants breached their duties of reasonable care and failed to exercise ordinary care in the design, research, development, manufacture, testing, marketing, labeling, supply, promotion, advertisement, packaging, sale, and distribution of the APAP Products, in that Defendants manufactured and produced defective APAP Products, which carry the significantly increased risk of causing neurodevelopmental disorders in children through prenatal exposure to the APAP Products; knew or had reason

to know of the defects inherent in the APAP Products; knew or had reason to know that a user's or consumer's use of the APAP Products created a significant risk of harm and unreasonably dangerous side effects; and failed to prevent or adequately warn of these risks and injuries.

94. Defendants had a duty to disclose the truth about the risks associated with the APAP Products in their promotional efforts outside of the context of labeling. Defendants were negligent in their promotion of the APAP Products outside of the labeling context by failing to disclose material risk information as part of their promotions and marketing of the APAP Products, including through the internet, television, and print advertisements.

95. Despite Defendants' ability and means to investigate, study, and test the APAP Products and to provide adequate warnings, Defendants failed to do so. Indeed, Defendants wrongfully concealed information and further made false and/or misleading statements concerning the safety and use of APAP Products.

96. Defendants' negligence included:

a. Manufacturing, producing, promoting, formulating, creating, developing, designing, selling, and/or distributing the APAP Products while negligently and/or intentionally concealing and failing to disclose the results of trials, tests, and studies of the APAP Products and the significantly increased risk of causing neurodevelopmental disorders in children through prenatal exposure to the APAP Products,

and, consequently, the risk of serious harm associated with human use of the APAP Products during pregnancy;

b. Failing to undertake sufficient studies and conduct necessary tests to determine whether or not the APAP Products were safe for intended consumer use and unborn children;

c. Failing to provide adequate instructions, guidelines, and safety precautions to those persons Defendants could reasonably foresee would use the APAP Products;

d. Failing to disclose to Plaintiff Mother, users, consumers, and the general public that use of the APAP Products during pregnancy presents severe risks of neurodevelopmental disorders in children exposed to the APAP Products prenatally;

e. Failing to warn Plaintiff Mother, users, consumers, and the general public that the APAP Products' risk of harm was unreasonable and that there were safer and effective alternative medications or treatments available to Plaintiff Mother and other users and/or consumers;

f. Representing that the APAP Products were safe for their intended purposes for pregnant women when, in fact, Defendants knew or should have known the APAP Products were not safe for their intended purposes;

g. Declining to make or propose any changes to the APAP Products' labeling or other promotional materials that would alert users, consumers, and the general public of the risks of the APAP Products, including to pregnant women;

h. Advertising, marketing, and recommending the use of the APAP Products, while concealing and failing to disclose or warn of the dangers known by Defendants to be caused by the use of or exposure to the APAP Products;

i. Continuing to disseminate information to consumers and the general public, which indicates or implies that the APAP Products are not unsafe for pregnant consumer use; and

j. Continuing the manufacture and sale of the APAP Products with the knowledge that the APAP Products were unreasonably unsafe and dangerous.

97. Defendants knew and/or should have known that it was foreseeable that children such as Plaintiff Minor would suffer injuries as a result of Defendants' failure to exercise ordinary care in the manufacturing, marketing, labeling, distribution, and sale of the APAP Products to consumers, like Plaintiff Mother.

98. Plaintiff Mother did not know the nature and extent of the injuries that could result in her child from the intended use of and/or exposure to the APAP Products prenatally.

99. Defendants' negligence was the proximate cause of Plaintiffs' injuries, i.e., absent Defendants' negligence, Plaintiff Minor would not have developed ADHD.

100. Defendants' conduct, as described above, was reckless. Defendants regularly risked exposing Plaintiff Mother to the APAP Products while pregnant with Plaintiff Minor, with full knowledge of the dangers of the APAP Products and that it could cause ADHD in Plaintiff Minor. Defendants made conscious decisions not to redesign, re-label, warn, or inform the unsuspecting public, including Plaintiff Mother. Defendants' reckless conduct therefore warrants an award of punitive damages.

101. As a direct and proximate result of Defendants placing the defective APAP Products into the stream of commerce, Plaintiffs have suffered permanent injuries, significant pain and suffering, emotional distress, lost wages and earning capacity, and diminished quality of life. Plaintiffs respectfully seek all damages to which they may be legally entitled.

COUNT THREE

BREACH OF EXPRESS WARRANTY
Against Defendants Target, Walmart, and Walgreens

102. Plaintiffs incorporate by reference the allegations in all prior paragraphs.

103. At all material times, Defendants manufactured, marketed, sold, distributed, and otherwise placed into the stream of commerce the APAP Products. These actions were under the ultimate control and supervision of Defendant.

104. In advertising, marketing, and promoting the APAP Products to consumers, like Plaintiff Mother, Defendants expressly warranted that the APAP Products were safe

for use and reasonably fit for their intended purposes. In advertising, marketing, and otherwise promoting the APAP Products, Defendants intended for pregnant consumers to rely upon their representations regarding safety and fitness, in an effort to induce them to purchase and consume the APAP Products during pregnancy to relieve pain.

105. Defendants expressly warranted to Plaintiff Mother and pregnant consumers that the APAP Products were safe for ingestion during pregnancy.

106. Defendants had a duty to exercise reasonable care in the research, development, design, testing, packaging, manufacture, inspection, labeling, distributing, marketing, promotion, sale, and release of the APAP Products, including a duty to:

a. ensure that the APAP Products did not cause users and their unborn children unreasonably dangerous side effects;

b. warn of dangerous and potentially incurable side effects; and

c. disclose adverse material facts, such as the true risks associated with the use of and exposure to APAP during pregnancy, when making representations to users, consumers, and the general public, including Plaintiff Mother.

107. Defendants had the ability to properly disclose the risks associated with APAP Product usage during pregnancy through multiple channels, not just labeling.

108. At all relevant times, Defendants expressly represented and warranted to the purchasers of the APAP Products, by and through statements made by Defendants in labels, publications, brochures, and other written materials intended for consumers and the general public, that the APAP Products were safe to human health and the environment, effective,

fit, and proper for their intended use. Defendants advertised, labeled, marketed, and promoted the APAP Products, representing the quality to consumers and the public in such a way as to induce their purchases or use, thereby making an express warranty that the APAP Products would conform to the representations.

109. The representations about the APAP Products, as set forth herein, contained or constituted affirmations of fact or promises made by the seller to the buyer, which related to the goods and became part of the basis of the bargain, creating an express warranty that the goods would conform to the representations.

110. Defendants breached express representations and warranties made to Plaintiff Mother, with respect to the APAP Products, including the following:

a. Defendants represented through their labeling, advertising, and marketing materials that the APAP Products were safe, and intentionally withheld and concealed information about the risks of serious injury associated with use of APAP and by expressly limiting the risks associated with use within their warnings and labels; and

b. Defendants represented that the APAP Products were safe for use and intentionally concealed information that demonstrated that APAP carries the significantly increased risk of causing neurodevelopmental disorders in children through prenatal exposure to APAP, and that the APAP Products, therefore, were not safer than alternatives available on the market.

111. Plaintiff Mother detrimentally relied on the express warranties and representations of Defendants concerning the safety and/or risk profile of APAP in deciding to purchase the APAP Products. Plaintiff Mother reasonably relied upon Defendants to disclose known defects, risks, dangers, and side effects of APAP. Plaintiff Mother would not have purchased or used the APAP Products had Defendants properly disclosed the risks associated with the APAP Products, either through advertising, labeling, or any other form of disclosure.

112. Plaintiff Mother had no knowledge of the falsity or incompleteness of Defendants' statements and representations concerning the APAP Products.

113. Plaintiff Mother used and/or was exposed to APAP as researched, developed, designed, tested, manufactured, inspected, labeled, distributed, packaged, marketed, promoted, sold, or otherwise released into the stream of commerce by Defendant.

114. Had the warnings, labels, advertisements, or promotional material for the APAP Products accurately and adequately set forth the true risks associated with the use of such Products, including Plaintiffs' injuries, rather than expressly excluding such information and warranting that the APAP Products were safe for their intended use, Plaintiffs could have avoided the injuries complained of herein.

115. As a direct and proximate result of Defendants' breach of express warranty, Plaintiffs have suffered permanent injuries, significant pain and suffering, emotional distress, lost wages and earning capacity, and diminished quality of life. Plaintiffs respectfully seek all damages to which they may be legally entitled.

COUNT FOUR

BREACH OF IMPLIED WARRANTY
Against Defendants Target, Walmart, & Walgreens

116. Plaintiffs incorporate by reference the allegations in all prior paragraphs.

117. At all material times, Defendants manufactured, marketed, sold, distributed, and otherwise placed the APAP Products into the stream of commerce.

118. At all material times, Defendants intended for the APAP Products to be consumed and ingested by pregnant women, like Plaintiff Mother; and Defendants impliedly warranted that the APAP Products and their component parts were of merchantable quality, safe, fit for such use, and adequately tested.

119. Defendants were aware that consumers, including Plaintiff Mother, would consume and ingest the APAP Products as directed by the Products' labels and promotional materials. Therefore, Plaintiff was a foreseeable user of the APAP Products.

120. But Defendants failed to disclose that APAP has dangerous propensities when used as intended and that use of the APAP Products carries an increased risk of developing severe injuries, including Plaintiff Minor's injuries.

121. The APAP Products were expected to reach, and did in fact reach consumers, including Plaintiff Mother, without substantial change in the condition in which they were manufactured and sold by Defendant.

122. Plaintiff Mother was an intended beneficiary of the implied warranties made by Defendants to purchasers of the APAP Products.

123. In reliance upon Defendants' implied warranties, Plaintiff Mother used the APAP Products as indicated, and in the foreseeable manner normally intended, recommended, promoted, and marketed by Defendant.

124. Defendants breached implied warranties to Plaintiffs in that the APAP Products were not of merchantable quality, nor were they safe or fit for their intended use or adequately tested.

125. The harm caused by the APAP Products far outweighed their benefit, rendering the APAP Products more dangerous than an ordinary consumer or user would expect and more dangerous than alternative products.

126. As a direct and proximate result of Defendants' breach of express warranty, Plaintiffs have suffered permanent injuries, significant pain and suffering, emotional distress, lost wages and earning capacity, and diminished quality of life. Plaintiffs respectfully seek all damages to which they may be legally entitled.

COUNT FIVE

VIOLATION OF CONSUMER PROTECTION LAWS
Against Defendants Target, Walmart, and Walgreens

127. Plaintiffs incorporate by reference the allegations in all prior paragraphs.

128. Plaintiff Mother purchased and used the APAP Products for primarily personal use and pain relief during pregnancy, thereby suffering ascertainable losses as a result of Defendants' actions in violation of the consumer protection laws.

129. Had Defendants not engaged in the deceptive conduct described in this Complaint, Plaintiff would not have purchased and/or paid for the APAP Products, and Plaintiffs would not have incurred related injury medical costs.

130. Defendants engaged in wrongful conduct while at the same time obtaining under false pretenses moneys from Plaintiff for the APAP Products. Those moneys would not have been paid had Defendants not engaged in unfair and deceptive conduct.

131. Defendants engaged in the following unfair methods of competition or deceptive acts or practices, which are proscribed by law:

a. representing that goods or services have characteristics, ingredients, uses, benefits, or qualities they do not have;

b. advertising goods or services with the intent not to sell them as advertised; and

c. engaging in fraudulent or deceptive conduct creating a likelihood of confusion or misunderstanding.

132. Plaintiffs were injured by the cumulative nature of Defendants' conduct. The cumulative effect, directed at patients, physicians, and consumers, was to create demand for and sell the APAP Products. Each aspect of Defendants' conduct combined to artificially create sales of the APAP Products.

133. Defendants had a statutory duty to refrain from unfair or deceptive acts or trade practices in the design, labeling, development, manufacture, promotion, and sale of the APAP Products.

134. Defendants' deceptive, unconscionable, or fraudulent representations and material omissions to consumers, including Plaintiff Mother, constitute unfair and deceptive acts and trade practices in violation of the federal and state consumer protection statutes listed below.

135. Defendants' actions, as complained of in this Complaint, constitute unfair competition or unfair, unconscionable, deceptive, or fraudulent acts or trade practices in violation of the federal and state consumer protection statutes listed below.

136. Defendants have engaged in unfair competition, or unfair or deceptive acts or trade practices, or have made false representations under the following statutes:

a. 15 U.S.C. §§ 2301–12; and

b. Minn. Stat. § 325D.44.

137. To protect consumers against unfair, deceptive, fraudulent, and unconscionable trade and business practices, and false advertising, Defendant, as the supplier, manufacturer, advertiser, and seller, is subject to liability under the above legislation enacted against unfair, deceptive, fraudulent, and unconscionable consumer sales practices.

138. By knowingly and falsely representing that the APAP Products were fit to be used for the purposes for which they were intended—when in fact they were defective and dangerous—and by other acts alleged, Defendants violated the above statutes, enacted to protect consumers against unfair, deceptive, fraudulent, and unconscionable trade and business practices, and false advertising.

139. Defendants' actions and omissions are uncured or incurable, deceptive acts under the above legislation.

140. Defendants had actual knowledge of the defective and dangerous conditions of the APAP products but failed to take any action to cure such defective and dangerous conditions.

141. Plaintiff Mother relied upon Defendants' misrepresentations and omissions in determining which APAP Products (if any) to ingest.

142. Defendants' deceptive, unconscionable, or fraudulent representations and material omissions to consumers constituted unfair and deceptive acts and practices.

143. By reason of the unlawful acts in which Defendants engaged, and as a direct and proximate result thereof, Plaintiffs have suffered ascertainable losses and damages.

144. As a direct and proximate result of Defendants' violations of the above-listed legislation, Plaintiffs have sustained economic losses and other damages and are entitled to statutory and compensatory damages in an amount to be proven at trial.

PRAYER FOR RELIEF

Plaintiffs demand judgment against Defendants, individually, and jointly and severally, and prays for the following relief in accordance with applicable law and equity:

i. Compensatory damages to Plaintiffs for past, present, and future damages, including pain and suffering for severe and permanent personal injuries sustained by Plaintiffs, permanent impairment, mental pain and suffering, loss of enjoyment of life, health and

medical care costs, economic damages, together with interest and costs as provided by law;

ii. Restitution and disgorgement of Defendants' profits;

iii. Reasonable attorneys' fees as provided by law;

iv. Past and future costs of all proceedings;

v. All ascertainable economic damages;

vi. Prejudgment interest on all damages as allowed by law; and

vii. Such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs demands a trial by jury on all issues so triable with the maximum number of jurors permitted by law.

Dated: September 30, 2022

LOCKRIDGE GRINDAL NAUEN P.L.L.P.

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JS 44 (Rev. 09/19)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

CANDICE CRAWFORD, individually and on behalf of P.C., a minor

(b) County of Residence of First Listed Plaintiff Livingston Parish, LA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Yvonne Flaherty, Lockridge Grindal Nauen, 100 Washington Ave. S., #2200, Minneapolis, MN 55401 (612-339-6900)

DEFENDANTS

TARGET CORPORATION; WALMART, INC.; AND WALGREEN CO.

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☒ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☒ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☒ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☒ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District *(specify)* ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing ***(Do not cite jurisdictional statutes unless diversity)***:
28 U.S.C. § 1332(a)

Brief description of cause:
Defendants failure to warn about dangers of prenature exposure to Acetaminophen

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):
JUDGE _____ DOCKET NUMBER _____

DATE
September 30, 2022

SIGNATURE OF ATTORNEY OF RECORD
s/ Yvonne M. Flaherty

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below**; NOTE: federal question actions take precedence over diversity cases.**)

III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. **Origin.** Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statue.

VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.