I	Case 3:20-cv-03392-LB Document 6 Fil	ed 05/19/20 Page 1 of 13					
1	Lori E. Andrus (SBN 205816)						
2	lori@andrusanderson.com						
	Jennie Lee Anderson (SBN 203586) jennie@andrusanderson.com						
3	Audrey C. Siegel (SBN 286771)						
4	audrey.siegel@andrusanderson.com ANDRUS ANDERSON LLP						
5	155 Montgomery Street, Suite 900 San Francisco, CA 94104						
6	Telephone: (415) 986-1400						
7	Facsimile: (415) 986-1474						
8	Attorneys for Plaintiff						
9	UNITED STATES D	ISTRICT COURT					
10							
11	FOR THE NORTHERN DIS	I KICI OF CALIFORNIA					
12	R.R., a minor, through his guardian ad litem,	Case No. 4:20-cv-3392-LB					
13	Plaintiff,	COMPLAINT – DEFECTIVE PRODUCT					
14	VS.						
15	EVENFLO COMPANY, INC.,	DEMAND FOR JURY TRIAL					
16	Defendant.						
17							
18	ΙΝΤΡΟΝΙ	CTION					
19							
20	1.In 2013 and 2014, Monique Chaves ("Guardian Chavez") used a dangerouslydefective Evenflo "Snugli Comfort" Baby Carrier (the "Baby Carrier") to carry her son, R.R.("Plaintiff R.R."),1 which caused hip dysplasia in the infant. As a result of this preventable						
21							
22							
23	injury, Plaintiff R.R. suffered greatly, having to wear a stiff brace for a minimum of 8 hours a day						
24	for approximately one year. Plaintiff R.R.'s treaters continue to monitor his hip dysplasia and						
25	warn that surgery may be required.						
26							
27 28	¹ Concurrently with the filing of the Complaint, Me recognized as Plaintiff R.R.'s guardian <i>ad litem</i> pu $17(c)(1)$.						
	1-	Case No. 4:20-cv-3392					
I	COMPLA	AINT					

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1	2. The Baby Carrier is intended for parents to carry their infants for extended periods	
2	of time. It is worn on the front of the parent, with straps over the parent's shoulders and around	
3	the parent's waist. A child can be positioned in the Baby Carrier either facing the parent or facing	
4	away. In either direction, the infant's legs hang straight down, in an unsafe position of extension	
5	and abduction. Properly designed carriers have a wider, more structured bottom, which gives	
6	more support for the infant's hips. The Baby Carrier that is the subject of this lawsuit is	
7	defectively designed, however. It has a narrow bottom that does not provide sufficient support of	
8	the infant's hips. As a result, the Baby Carrier presents a dangerous risk of hip dysplasia,	
9	particularly with prolonged use.	
10	3. From at least 2002, Evenflo was aware, or should have been aware, that the Baby	
11	Carrier's design carried with it a dangerous propensity to cause hip dysplasia in children.	
12	PARTIES	
13	4. Plaintiff R.R. is a minor who, at all applicable times, resided, and still resides in	
14	in Pittsburg, California.	
15	5. Defendant Evenflo Company, Inc. ("Evenflo") is incorporated in the state of	
16	Delaware. Evenflo conducts business throughout the United States, including in California,	
17	where it is registered with the California Secretary of State. Evenflo maintains its principal place	
18	of business in Ohio and maintains corporate offices in Massachusetts.	
19	JURISDICTION AND VENUE	
20	6. The amount in controversy between Plaintiff and Defendant exceeds \$75,000,	
21	exclusive of interest and cost.	
22	7. This Court has jurisdiction over Evenflo and this action pursuant to 28 U.S.C. §	
23	1332 because there is complete diversity of citizenship between Plaintiff and Defendant.	
24	Defendant is incorporated and has its principal place of business outside of the state in which	
25	Plaintiff resides. The Court has supplemental jurisdiction pursuant to 28 U.S.C. § 1367.	
26	8. Venue is proper within this district pursuant to 28 U.S.C. § 1391 in that a	
27	substantial part of the acts and/or omissions giving rise to these claims occurred within this	
28	district. Defendant is subject to personal jurisdiction in this district. Within the statutory time	
	-2- Case No. 4:20-cv-3392 COMPLAINT	

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1	period, Evenflo sold, marketed, and/or distributed the Baby Carriers within the Northern District
2	of California. Having systematically and purposefully directed products to the State of
3	California, which products gave rise to Plaintiff's causes of actions herein, Defendant is subject to
4	the personal jurisdiction of this Court.
5	FACTUAL ALLEGATIONS
6	9. Evenflo designed, manufactured, labeled, marketed, sold and distributed the Baby
7	Carrier giving rise to the Plaintiff's injuries.
8	10. Guardian Chaves carried Plaintiff R.R. in the Baby Carrier beginning in 2013,
9	from the time he was approximately two weeks old on a daily basis, multiple times per day, and
10	often for extended periods of time during each use, until Plaintiff R.R. was approximately eight
11	months old.
12	11. Guardian Chaves' use of the Baby Carrier was consistent with the intended use for
13	which it was designed, marketed, and sold.
14	12. Despite Guardian Chaves' use of the Baby Carrier in the manner intended by
15	Evenflo and reasonably foreseeable by Evenflo, the Baby Carrier caused Plaintiff R.R. to develop
16	hip dysplasia. Plaintiff R.R. has experienced and will continue to suffer on an ongoing basis
17	significant mental and physical pain and suffering, and permanent injury, which have required or
18	may require corrective surgery.
19	13. As a result of the hip dysplasia, Plaintiff R.R. had to be put into a stiff body brace
20	at one year of age. He was confined to that body cast for 8-12 hours a day for a year.
21	History of Evenflo and Its Baby Carriers
22	14. Evenflo, then known as Pyramid Rubber Company, began manufacturing products
23	for babies in 1920. ² The company formally became known as Evenflo Company, Inc. in 1995,
24	following the merger of Evenflo Juvenile Products and Evenflo Juvenile Furniture Company. ³
25	//
26	//
27	//
28	² See <u>https://www.evenflo.com/about/about-us.html</u> .
	³ <i>Id.</i> Case No. 4:20-cv-3392

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1	15. According to its website, <u>www.evenflo.com</u> , Evenflo is a "top supplier" of infant
2	and juvenile products, including baby carriers. Evenflo's advertisements state: "It's babywearing
3	made simple." ⁴
4	16. The instruction manuals for Evenflo's baby carrying products warn that small
5	children may fall through the carrier's leg openings, and that putting items into the carrier with a
6	child may impede the child's ability to breathe. ⁵ There is no mention of the potential for hip
7	damage. Moreover, the illustrations in the manuals depicts infants with their legs dangling from
8	the bottom of the carriers. ⁶
9	17. Evenflo's "Snugli Comfort" carrier was originally invented by Ann Moore in
10	1964. ⁷ Ms. Moore earned a patent on her invention in 1969. She later sold the rights to the Baby
11	Carrier to Gerry Baby Products. The Gerry Baby Products Company was purchased by Evenflo
12	in 1997.8 Evenflo discontinued the "Snugli Comfort" Baby Carrier sometime in the last few
13	years.
14	18. Evenflo claims: "To the Evenflo family nothing is more important than the safety,
15	wellbeing, and development of children."9
16	What Evenflo Knew or Should Have Known
	What Evenflo Knew or Should Have Known19.Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be
17	
17 18	19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be
17 18 19	19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M"
17 18 19 20	19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position. ¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of
17 18 19 20 21	19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position. ¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development. ¹¹
 17 18 19 20 21 22 	19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position. ¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development. ¹¹
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 17 18 19 20 21 22 23 24 	 19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position.¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development.¹¹ // ⁴ See https://www.youtube.com/watch?v=Zqzma_AJjo0. ⁵ See https://www.evenflo.com/support/instruction-manuals.html. ⁶ Id., Evenflo Breathable Carrier Instruction Manual pp. 1-3. ⁷ See https://magazine.uc.edu/issues/0810/moore.html.
 17 18 19 20 21 22 23 24 	 19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position.¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development.¹¹ // // ⁴ See https://www.youtube.com/watch?v=Zqzma_AJjo0. ⁵ See https://www.evenflo.com/support/instruction-manuals.html. ⁶ Id., Evenflo Breathable Carrier Instruction Manual pp. 1-3. ⁷ See https://magazine.uc.edu/issues/0810/moore.html. ⁸ See https://www.nytimes.com/1997/04/23/business/gerry-baby-products-sold-to-evenflo-for-73-million.html.
 17 18 19 20 21 22 23 24 25 	 19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position.¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development.¹¹ // ⁴ See https://www.youtube.com/watch?v=Zqzma_AJjo0. ⁵ See https://www.evenflo.com/support/instruction-manuals.html. ⁶ <i>Id.</i>, Evenflo Breathable Carrier Instruction Manual pp. 1-3. ⁷ See https://www.nytimes.com/1997/04/23/business/gerry-baby-products-sold-to-evenflo-for-73-million.html. ⁹ See www.evenflo.com/about/about-us.html.
 22 23 24 25 26 	 19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position.¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development.¹¹ // // ⁴ See https://www.youtube.com/watch?v=Zqzma_AJjo0. ⁵ See https://www.evenflo.com/support/instruction-manuals.html. ⁶ <i>Id.</i>, Evenflo Breathable Carrier Instruction Manual pp. 1-3. ⁷ See https://www.nytimes.com/1997/04/23/business/gerry-baby-products-sold-to-evenflo-for-73-million.html. ⁹ See www.evenflo.com/about/about-us.html. ¹⁰ https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/.
 17 18 19 20 21 22 23 24 25 26 27 	 19. Baby-carrying is an ancient practice. For baby-carrying to be safe, infants must be carried in a particular way. The thighs must be supported, and the hips must be bent into an "M" position.¹⁰ Abduction of 35 to 40 degrees and flexion of 90 to 120 degrees is the ideal position of an infant's hips for optimal development.¹¹ // ⁴ See https://www.youtube.com/watch?v=Zqzma_AJjo0. ⁵ See https://www.evenflo.com/support/instruction-manuals.html. ⁶ <i>Id.</i>, Evenflo Breathable Carrier Instruction Manual pp. 1-3. ⁷ See https://www.nytimes.com/1997/04/23/business/gerry-baby-products-sold-to-evenflo-for-73-million.html. ⁹ See www.evenflo.com/about/about-us.html. ¹⁰ https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-

COMPLAINT

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1 20. If an infant's hips are forced into a straight, stretched-out position too early, there 2 is a risk that the ball of the hips may deform the edges of the socket, or slip out of the socket 3 altogether. The risk of developing these disorders is greatest in the first six months of an infant's 4 life.¹² To prevent this, the International Hip Dysplasia Institute advises that "[w]hen babies are 5 carried, especially for prolonged periods of time, the hips should be allowed to spread apart with

Better:

Baby Carriers

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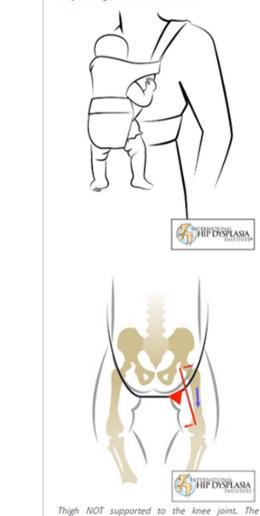
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Not Recommended for prolonged use during babywearing (narrow based carrier):



resulting forces on the hip joint may be

inappropriate for prolonged use when infants have

loose hip joints or hip dysplasia.

HIP DYSPLASIA Thigh is supported to the knee joint. The forces on the hip joint are minimal because the legs are spread, supported, and the hip is in a more stable position.

¹² <u>https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/</u>. -5- Case No. 4:20-cv-3392

1	the thighs supported and the hips bent." ¹³ The diagram above illustrates the problem, and the safe
2	position. ¹⁴
3	21. According to Dr. Charles Price from the International Hip Dysplasia Institute,
4	"The first six months of life is the only time that [hip dysplasia] can be easily prevented.
5	Numerous research studies have shown that positioning of the baby's hips during this time has
6	tremendous influence on hip development. Incorrect positioning can prevent natural
7	improvement or even cause the hips to dislocate. Straightening the legs and binding them
8	together can cause serious harm." ¹⁵
9	22. The International Hip Dysplasia Institute notes that: "[t]here is evidence that
10	carrying a baby on the mother's body (or father's body) is likely to influence hip development
11	during the first six months of life when the baby is carried for many hours each day for purposes
12	of bonding, or infant care." Given the known propensity for infants to develop hip dysplasia if
13	not carried in a safe manner, the International Hip Dysplasia Institute has acknowledged certain
14	models of baby carriers as "hip healthy." Notably, the Evenflo Baby Carrier is not a "hip
15	healthy" product.
16	FIRST CLAIM FOR RELIEF
17	NEGLIGENCE – NEGLIGENT DESIGN
18	23. Plaintiff hereby incorporates and realleges each and every preceding paragraph of
19	this Complaint as if the same were set forth at length herein.
20	24. Evenflo had a duty to individuals, including Plaintiff R.R., to use reasonable care
21	in designing, testing, manufacturing, marketing, labeling, packaging, and selling the Baby
22	Carrier.
23	25. Evenflo's duty of care to Plaintiff R.R. was heightened since he is a child.
24	26. Evenflo was negligent in failing to use reasonable care in designing, testing,
25	manufacturing, marketing, labeling, packaging and selling the Baby Carrier.
26	
27	13 Id.
28	¹⁴ <i>Id.</i> ¹⁵ https://boba.com/blogs/boba-reads/an-interview-with-dr-charles-price-from-the-international-
	hip-dysplasia-institute. -6- Case No. 4:20-cv-3392

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I	Case 3:	20-cv-03392-LB Document 6 Filed 05/19/20 Page 7 of 13			
1	27.	Evenflo was negligent in failing to use reasonable care to see that the Baby Carrier			
2	was safe for	its intended use.			
3	28.	Evenflo knew or had reason to know that the Baby Carrier was dangerous when			
4	put to the use	e for which it was made.			
5	29.	Evenflo knew or had reason to know that those for whose use the Baby Carrier			
6	was made wo	ould not realize the danger.			
7	30.	Evenflo failed to use the amount of care in designing the Baby Carrier that a			
8	reasonably ca	areful designer/manufacturer would use in similar circumstances to avoid exposing			
9	others to a fo	reseeable risk of harm.			
10	31.	Evenflo's negligence was a substantial factor in causing Plaintiff's harm.			
11	32.	As a direct and proximate cause of Evenflo's negligence, Plaintiff has suffered and			
12	in the future	will continue to suffer on an ongoing basis severe personal injuries, pain and			
13	suffering, severe emotional distress, financial or economic loss, including, but not limited to,				
14	obligations for	or medical services and expenses, lost income and earning capacity, and other			
15	damages.				
16		SECOND CLAIM FOR RELIEF			
17		NEGLIGENCE – NEGLIGENT FAILURE TO WARN			
18	33.	Plaintiff hereby incorporates and realleges each and every preceding paragraph of			
19	this Complai	nt as if the same were set forth at length herein.			
20	34.	Evenflo had a duty to individuals, including Plaintiff R.R., to warn users of the			
21	dangerous pr	opensity of the Baby Carriers.			
22	35.	Evenflo's duty of care to Plaintiff R.R. was heightened since he is a child.			
23	36.	Evenflo failed to warn reasonably foreseeable users that the Baby Carrier was			
24	dangerous w	hen put to the use for which it was made.			
25	37.	Evenflo knew or had reason to know that the Baby Carrier was dangerous when			
26	put to the use	e for which it was made.			
27	38.	Evenflo knew or had reason to know that those for whose use the Baby Carrier			
28	was made wo	ould not realize the danger.			
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1	39. Had Evenflo warned of the danger of hip dysplasia, Guardian Chaves and Plaintiff				
2	R.R. would not have used the product.				
3	40. Evenflo's negligence was a substantial factor in causing Plaintiff's harm.				
4	41. As a direct and proximate cause of Evenflo's negligence, Plaintiff has suffered and				
5	in the future will continue to suffer on an ongoing basis severe personal injuries, pain and				
6	suffering, severe emotional distress, financial or economic loss, including, but not limited to,				
7	obligations for medical services and expenses, lost income and earning capacity, and other				
8	damages.				
9	THIRD CLAIM FOR RELIEF				
10	NEGLIGENCE –NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS				
11	42. Plaintiff hereby incorporates and realleges each and every preceding paragraph of				
12	this Complaint as if the same were set forth at length herein.				
13	43. Evenflo had a duty to exercise reasonable care in designing, developing,				
14	formulating, manufacturing, testing, packaging, promoting, labeling, advertising, marketing,				
15	instructing on, warning about, distributing, supplying and/or selling the Baby Carrier, including a				
16	duty to ensure that the product did not pose a significantly increased risk of bodily harm.				
17	44. Evenflo failed to exercise such reasonable care, in that Evenflo knew or should				
18	have known that the Baby Carrier posed a significantly increased risk of hip dysplasia and was				
19	not safe for use by consumers, but Evenflo continued to design, develop, formulate, manufacture,				
20	test, package, promote, label, advertise, market, instruct on, warn about, distribute, supply and/or				
21	sell the product without adequate labeling and/or adequate warnings.				
22	45. Evenflo knew or should have known that consumers, such as Plaintiff, would				
23	foreseeably suffer injury as a result of Evenflo's failure to exercise reasonable care.				
24	46. As a direct and proximate result of Evenflo's negligence, Plaintiff was in the zone				
25	of physical danger, suffered physical injury and emotional distress, and will continue to suffer				
26	such emotional harm in the future.				
27	//				
28	//				

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FOURTH CLAIM FOR RELIEF STRICT LIABILITY – DESIGN DEFECT

47. Plaintiff hereby incorporates and realleges each and every preceding paragraph of this Complaint as if the same were set forth at length herein.

48. At the time the Baby Carrier left Evenflo's control, the Baby Carrier was defective
in design and unreasonably dangerous for its intended use, for any reasonably foreseeable use,
and it created a risk of harm that would not be contemplated by any foreseeable user.

8 49. The harm caused by the Baby Carrier far outweighed any benefit, rendering
9 Evenflo's product dangerous to an extent beyond that which an ordinary consumer would
10 contemplate. The Baby Carrier was and is more dangerous than alternative products, and Evenflo
11 could have designed the Baby Carrier to make it less dangerous. At the time Evenflo designed,
12 marketed, and sold the Baby Carrier, the state of the industry's knowledge was such that a less
13 risky design or formulation was attainable.

14 50. The Baby Carrier's design was defective because the Baby Carrier did not perform
15 as safely as an ordinary consumer would have expected it to perform when it was used in an
16 intended or reasonably foreseeable way.

17 51. At the time the Baby Carrier left Evenflo's control, there was a practical,
18 technically feasible and safer alternative design that would have prevented the harm to Plaintiff
19 without substantially impairing the reasonably anticipated or intended function of the Baby
20 Carrier.

52. The benefits of the Baby Carrier's design are outweighed by the risks of the
design. The gravity of the potential harm resulting from the use of the Baby Carrier is great, and
the likelihood that this harm would occur is significant. At the time of manufacture, there existed
feasible, alternative, safer designs that were not overly costly and did not have disadvantages.

25 53. The Baby Carrier's design and/or its failure to perform safely was a substantial
26 factor in causing Plaintiff's harm.

27 54. As a direct and proximate result of the Baby Carrier's design defects, Plaintiff has
28 suffered and in the future will continue to suffer on an ongoing basis severe personal injuries,

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1	pain and suffering, severe emotional distress, financial or economic loss, including, but not
2	limited to, obligations for medical services and expenses, lost income and earning capacity, and
3	other damages.
4	55. Evenflo is strictly liable to Plaintiff for designing, testing, manufacturing,
5	marketing, labeling, packaging and selling a defective Baby Carrier.
6	FIFTH CLAIM FOR RELIEF
7	STRICT LIABILITY – FAILURE TO WARN
8	56. Plaintiff hereby incorporates and realleges each and every preceding paragraph of
9	this Complaint as if the same were set forth at length herein.
10	57. The Baby Carrier was not accompanied by sufficient warnings to inform users,
11	such as Guardian Chaves and Plaintiff R.R., of the risks of harm not readily recognizable while
12	using the Baby Carrier in a reasonably foreseeable manner.
13	58. At the time of manufacture, Evenflo could have provided warnings or instructions
14	regarding the full and complete risks of the Baby Carrier, because Evenflo knew or should have
15	known of the unreasonable risks of harm associated with the use of the product.
16	59. The known risks presented a substantial danger to Plaintiff when the Baby Carrier
17	was used in an intended or foreseeable way.
18	60. Guardian Chaves and Plaintiff R.R. could not have reasonably discovered the
19	defects and risks associated with the Baby Carrier prior to or at the time of use. Guardian Chaves
20	and Plaintiff R.R. relied upon the skill, expertise, and judgment of Evenflo.
21	61. Had Evenflo provided adequate warnings and instructions and properly disclosed
22	and disseminated the risk associated with the Baby Carrier, Plaintiff could have avoided the risk
23	of developing injuries and could have obtained or used an alternative product.
24	62. Evenflo's failure to warn Plaintiff was a substantial factor in causing Plaintiff's
25	harm.
26	63. As a direct and proximate result of the Baby Carrier's defects, Plaintiff has
27	suffered and in the future will continue to suffer on an ongoing basis severe personal injuries,
28	pain and suffering, severe emotional distress, financial or economic loss, including, but not
	-10- Case No. 4:20-cv-3392

Case 3:20-cv-03392-LB Document 6 Filed 05/19/20 Page 11 of 13

1	limited to, ol	bligations for medical services and expenses, lost income and earning capacity, and
2	other damag	
3	64.	Evenflo is strictly liable to Plaintiff for designing, testing, manufacturing,
4		beling, packaging and selling the defective Baby Carrier.
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		-11- Case No. 4:20-cv-3392
	1	COMPLADIT

1	PRAYER FOR RELIEF
2	WHEREFORE, Plaintiff prays for judgment against Defendant and, as appropriate to each
3	cause of action, as follows:
4	1. compensatory damages, including but not limited to, pain, suffering, emotional
5	distress, loss of enjoyment of life, and other non-economic damages, in an amount to be
6	determined at trial;
7	2. economic damages in the form of medical expenses, cost of future medical care,
8	out of pocket expenses, lost earnings and earning capacity, and other economic damages in an
9	amount to be determined at trial;
10	3. restitution and/or disgorgement;
11	4. an award of costs;
12	4. pre-judgment interest;
13	5. post-judgment interest; and
14	6. any other relief as this Court may deem just and proper.
15	
16 17	DATE: May 14, 2020 ANDRUS ANDERSON LLP By: Concluding
18	Lori E. Andrus
19	Lori E. Andrus (SBN 205816)
20	<u>lori@andrusanderson.com</u> ANDRUS ANDERSON LLP
20	155 Montgomery Street, Suite 900 San Francisco, CA 94104
22	Telephone: (415) 986-1400 Facsimile: (415) 986-1474
23	Attorneys for Plaintiff
24	
25	
26	
27	
28	
4	

-12-COMPLAINT

DEMAND FOR JURY TRIAL 1 Plaintiff demands a jury trial in this action for all claims so triable. 2 3 DATE: May 14, 2020 ANDRUS ANDERSON LLP 4 5 By: Lori E. Andrus 6 Lori E. Andrus (SBN 205816) 7 lori@andrusanderson.com ANDRUS ANDERSON LLP 8 155 Montgomery Street, Suite 900 San Francisco, CA 94104 9 Telephone: (415) 986-1400 10 (415) 986-1474 Facsimile: 11 Attorneys for Plaintiff 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 Case No. 4:20-cv-3392 -13-

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JS-CAND 44 (Rev. 07/19) **CIVIL COVER SHEET** The JS-CAND 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 in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS				DEFENDAN	TS					
(b) County of Residence ((EXCEPT IN U.S. PLAIN		ra Costa County		Evenflo Comp County of Reside (IN U.S. PLAINTIF NOTE: IN LAN THE TR Attorneys (If Know	Ence of Fir F CASES O D CONDEM ACT OF L	st Listed Defen NLY)	ES. USE THE LC	omery County, C	Ю	
Andrus Anderson	, Address, and Telephone Number)			Attomeys (IJ Know	wn)					
	St., Ste. 900, S.F., C									
II. BASIS OF JURIS	SDICTION (Place an "X" in	One Box Only)	III. CIT	IZENSHIP OF	PRINCI	PAL PAR	TIES (Place an '	'X'' in One Box fo	or Plaintiff	
1 U.S. Government Plainti	ff 3 Federal Question (U.S. Government Not	t a Party)		Diversity Cases Only) of This State	PTF × 1		and One Bo orporated or Princ Business In This S	ipal Place) TF DEF 4 4	
2 U.S. Government Defend	lant X4 Diversity		Citizen	of Another State	2	2 Inc	orporated and Prin	ncipal Place	cipal Place 5 🗙 5	
	(Indicate Citizenship o	f Parties in Item III)		or Subject of a n Country	3		Business In Anothereign Nation		6 6	
IV. NATURE OF S	UIT (Place an "X" in One Box	Only)					0			
CONTRACT	TO	RTS		FORFEITURE/PE		1	RUPTCY	•	STATUTES	
110 Insurance 120 Marine	PERSONAL INJURY	PERSONAL IN		625 Drug Related S Property 21 US		422 Appeal 2 423 Withdray	28 USC § 158 wal 28 USC	375 False Cla 376 Qui Tam		
130 Miller Act	310 Airplane 315 Airplane Product Liability	X 365 Personal Injury Liability	y – Product	690 Other	0	§ 157	wai 28 050	§ 3729(a)		
140 Negotiable Instrument	320 Assault, Libel & Slander	367 Health Care/		LABOR		PROPER	TY RIGHTS	400 State Rea	pportionment	
150 Recovery of Overpayment Of	330 Federal Employers'	Pharmaceutica Injury Product		710 Fair Labor Stan	ndards Act	820 Copyrig	nts	410 Antitrust 430 Banks an	d Dankina	
Veteran's Benefits	Liability 340 Marine	368 Asbestos Perso		720 Labor/Management		830 Patent 835 Patent—Abbreviated New Drug Application		450 Commerce	0	
151 Medicare Act	345 Marine Product Liability	Product Liabil						460 Deportati		
152 Recovery of Defaulted Student Loans (Excludes	350 Motor Vehicle	PERSONAL PRO 370 Other Fraud	DPERTY	751 Family and Me	dical	840 Tradema	rk	providence.	r Influenced &	
Veterans)	355 Motor Vehicle Product	371 Truth in Lendi	ng	Leave Act		SOCIAL	SECURITY	480 Consume	Organizations er Credit	
153 Recovery of	Liability 360 Other Personal Injury	380 Other Personal		790 Other Labor Li 791 Employee Retin		861 HIA (13	95ff)	485 Telephon		
Overpayment of Veteran's Benefits	362 Personal Injury -Medical	Damage		Income Security Act		862 Black Lung (923)		Protectio		
160 Stockholders' Suits	Malpractice 385 Property Damage Product Liability			IMMIGRATION		863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g))		490 Cable/Sat		
190 Other Contract	CIVIL RIGHTS PRISONER PETITIONS			462 Naturalization	850 Securities Exchange			s/Commodities/ e		
195 Contract Product Liability	440 Other Civil Rights	HABEAS COI		Application 465 Other Immigrat	tion		TAX SUITS	890 Other Sta	tutory Actions	
196 Franchise	441 Voting	463 Alien Detained		Actions	uon		J.S. Plaintiff or	891 Agricultu		
REAL PROPERTY	442 Employment	510 Motions to Va	cate			Defenda	nt)	893 Environm	of Information	
210 Land Condemnation 220 Foreclosure	443 Housing/ Accommodations	Sentence 530 General				871 IRS-Thi § 7609	rd Party 26 USC	Act	or mormation	
230 Rent Lease & Ejectment	445 Amer. w/Disabilities-	535 Death Penalty				3		896 Arbitratic		
240 Torts to Land	Employment	OTHER						poposese	ative Procedure ew or Appeal of	
245 Tort Product Liability	446 Amer. w/Disabilities–Other 448 Education	540 Mandamus &	Other					Agency I	Decision	
290 All Other Real Property	10 Education	550 Civil Rights						950 Constitut Statutes	ionality of State	
	1	555 Prison Conditi 560 Civil Detainee						Statutes		
		Conditions of								
V ODICDI		Confinement				7				
V. ORIGIN (Place at X 1 Original Proceeding		Remanded from	4 Reinst Reope		sferred from ther District		Multidistrict Litigation–Tran	8 Multid sfer Litigat	listrict ion-Direct File	
The CIRCOL OF	te the U.S. Civil Statute under 2 U.S.C. § 1332	which you are filing	g (Do not c	ite jurisdictional statut	es unless di	versity):				
Br	ief description of cause:									
E	Baby carriers designed	d by Defendai	nt has re	esulted in serio	ous inju	iries to Pla	aintiff.			
VII. REQUESTED I COMPLAINT:	N CHECK IF THIS IS A UNDER RULE 23, Fee		DEM	AND \$		CHECK Y	YES only if dem E MAND:	1000000	laint: No	
	JUDGE			DOCKET N	NUMBER					
VIII. RELATED CAS IF ANY (See instr	ructions):									
IF ANY (See inst										
IF ANY (See insti IX. DIVISIONAL A	ASSIGNMENT (Civil L		KLAND	SA	AN JOSI	E	EUREKA	MCKINLE	YVILLE	
IF ANY (See inst	ASSIGNMENT (Civil L	ocal Rule 3-2) ANCISCO/OAF	KLAND	SA	AN JOSI	E	EUREKA	MCKINLE	CYVILLE	