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13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 15 WESTERN DIVISION

16 O.T., through her guardian *ad litem*,
 17 Plaintiff,

18 vs.

19 BABYBJORN INC., BABYBJORN AB,
 20 BABYBJORN HOLDING AB, and
 21 LILLEMOR DESIGN AB,
 22 Defendants.

Case No. 2:20-cv-4517

COMPLAINT – DEFECTIVE PRODUCT

DEMAND FOR JURY TRIAL

23 Statement regarding jurisdiction pursuant to Local Rule 8-1: This Court has
 24 subject matter jurisdiction over this matter pursuant to 28 U.S.C. § 1332 (diversity
 25 of citizenship), and has supplemental jurisdiction over the state law claims
 26 contained herein pursuant to 28 U.S.C. § 1367(a) given that all of the claims are so
 27 related that they form part of the same case or controversy under Article III of the
 28 United States Constitution.

1 **INTRODUCTION**

2 1. In 2012, Natalie Del Real-Trujillo (“Guardian Natalie”) used a
3 dangerously defective BabyBjörn Original Baby Carrier (the “Baby Carrier”) to
4 carry her daughter, O.T. (“Plaintiff O.T.”),¹ which caused severe hip dysplasia in
5 the infant. As a result of this preventable injury, Plaintiff O.T. has suffered greatly,
6 having undergone three surgical procedures and months spent in full body casts.

7 2. The Baby Carrier is intended for parents to carry their infants for
8 extended periods of time. It is worn on the front of the parent, with straps over the
9 parent’s shoulders and around the parent’s waist. A child can be positioned in the
10 Baby Carrier either facing the parent or facing away. In either direction, the
11 infant’s legs hang straight down, in an unsafe position of extension and abduction.
12 Properly designed carriers have a wider, more structured bottom, which gives more
13 support for the infant’s hips. The Baby Carrier that is the subject of this lawsuit is
14 defectively designed, however. It has a narrow bottom that provides insufficient
15 support of the infant’s hips. As a result, the Baby Carrier presents a dangerous risk
16 of hip dysplasia, particularly with prolonged use.

17 3. From at least 2002, the manufacturers of the Baby Carrier were aware,
18 or should have been aware, that the Baby Carrier’s design carried with it a
19 dangerous propensity to cause hip dysplasia in children. Perhaps finally
20 acknowledging the unacceptable risk of the Baby Carrier’s design, Defendants
21 ceased selling the defective Baby Carriers just a few months ago.

22 **PARTIES**

23 4. Plaintiff O.T. is a minor who, at all applicable times, resided, and still
24 resides, in Compton, California.

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26 _____
27 ¹ Concurrently with the filing of the Complaint, Guardian Natalie has petitioned the
28 Court to be recognized as Plaintiff O.T.’s guardian *ad litem* pursuant to Federal
Rule of Civil Procedure 17(c)(1).

1 5. Defendant BabyBjörn Inc. is a private corporation. BabyBjörn Inc.
2 conducts business throughout the United States, including in California, where it is
3 registered with the California Secretary of State. BabyBjörn Inc. maintains its
4 principal place of business in New York, New York.

5 6. Defendant BabyBjörn AB is a private Swedish corporation, and is the
6 parent company of BabyBjörn Inc.

7 7. Defendant BabyBjörn Holding AB is a private Swedish corporation,
8 and is the parent company of BabyBjörn AB.

9 8. Defendant Lillemor Design AB is a private Swedish corporation, and
10 is the ultimate parent company of the other Defendants.

11 9. Unless necessary to distinguish between them, herein the Defendants
12 will collectively be referred to as “BabyBjörn.”

13 10. At all times herein mentioned, there existed (and still exists) a unity of
14 interest between each and all of the Defendants such that any individuality and
15 separateness between them has ceased. Defendants are the alter egos of each and
16 all of the others, and exerted control over the other Defendants. Each of them
17 controlled their subsidiaries to such a degree and in such a manner as to render
18 them mere business units and to make them merely an agency, instrumentality,
19 adjunct or alter ego of the parent company(ies). Adherence to the fiction of the
20 separate existence of Defendants as entities distinct from the others will permit an
21 abuse of the corporate privilege, sanction a fraud, and/or promote injustice.

22 11. Each of the Defendants expressly or impliedly agreed to work with and
23 assist each other Defendant, and unnamed parties, toward the common purpose of
24 designing, testing, manufacturing, marketing, distributing, and selling the Baby
25 Carrier, and toward the common interest of collective pecuniary gain.

26 12. Each of the Defendants performed the acts and omissions described
27 herein in concert with the other Defendants and/or pursuant to a common design
28 with the other Defendants.

1 19. Venue is proper within this district pursuant to 28 U.S.C. § 1391 in
2 that a substantial part of the acts and/or omissions giving rise to these claims
3 occurred within this district. Defendants are subject to personal jurisdiction in this
4 district. Until recently, and within the statutory time period, Defendants sold,
5 marketed, and/or distributed the Baby Carriers within the Central District of
6 California. Having systematically and purposefully directed products to the State
7 of California, which products gave rise to Plaintiff's causes of actions herein,
8 Defendants are subject to the personal jurisdiction of this Court.

9 **FACTUAL ALLEGATIONS**

10 20. BabyBjörn designed, manufactured, labeled, marketed, sold and
11 distributed the Baby Carrier giving rise to the Plaintiff's causes of action herein.

12 21. Guardian Natalie carried Plaintiff O.T. in the Baby Carrier beginning
13 in 2012, from the time she was approximately six weeks old on a daily basis, often
14 multiple times per day, and often for extended periods of time during each use, until
15 Plaintiff O.T. was approximately 6 months old.

16 22. Guardian Natalie's use of the Baby Carrier was consistent with the
17 intended use for which it was designed, marketed, and sold.

18 23. Despite Guardian Natalie's use of the Baby Carrier in the manner
19 intended by BabyBjörn and reasonably foreseeable by BabyBjörn, the Baby Carrier
20 caused Plaintiff O.T. to develop hip dysplasia. Plaintiff O.T. has experienced and
21 will continue to suffer on an ongoing basis significant mental and physical pain and
22 suffering, and permanent injury, which have required or may require corrective
23 surgery.

24 24. As a result of the hip dysplasia, Plaintiff O.T. had to undergo a
25 surgical procedure to be put into a body cast at one year of age. She was confined
26 to that body cast for three months. Then, she had a pelvic osteotomy (shaving of
27 the left hip bone), and was hospitalized for three days. She was put in another body
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1 cast for six weeks, then a body brace for another six weeks. Finally, she endured a
2 third surgery to remove the plate and screws.

3 25. As a result of her confinement, in addition to other sequelae of hip
4 dysplasia, Plaintiff O.T. suffered delayed development of her fine motor skills,
5 including delayed speech.

6 **The Founding of BabyBjörn**

7 26. BabyBjörn AB was founded in 1961 by Björn Jakobson. To this day,
8 Jakobson remains the CEO of BabyBjörn AB.

9 27. BabyBjörn holds itself out as a family-owned company that develops
10 safe products and provides parents information about child-rearing.²

11 28. Jakobson believes that the first three months of a baby's life are the
12 most important to the child's development.³

13 29. Jakobson has said, "The most important [thing] is not that you make
14 money. The most important [thing] is that you are together with your family or
15 children."⁴

16 30. Jakobson claims that one of BabyBjörn's core values is safety. "My
17 obligation is to change the safety of BabyBjörn products, and to see that we never
18 sell a product that could harm a baby, or parents, or anybody else."⁵

19 31. Jakobson's sentiments are echoed by David Thalén, a Baby Carrier
20 Product Developer at BabyBjörn: "[s]afety is always important, so we always strive
21 for perfection, and to have the highest possible quality, and the highest possible
22 safety in our products."⁶

23 //

24 ² <https://www.youtube.com/watch?v=eAohhejgplc&list=PLA4A8C618AFD667F6>.

25 ³ <https://www.youtube.com/watch?v=eAohhejgplc&list=PLA4A8C618AFD667F6>.

26 ⁴ *Id.*

27 ⁵ <https://www.youtube.com/watch?v=N6qaG4sBsBk&list=PLA4A8C618AFD667F6&index=3>.

28 ⁶ <https://www.youtube.com/watch?v=cY9ygVrMKZ8&list=PLA4A8C618AFD667F6&index=4>.

The Creation of the Baby Carrier Original

32. BabyBjörn reports that its design of the Baby Carrier Original was inspired by pediatricians whom Jakobson encountered in the 1960s. They encouraged parents to hold babies close to promote bonding early in the infant's life.

33. BabyBjörn maintains that the Baby Carrier Original was developed in close cooperation with medical experts, specifically pediatric orthopedists.⁷

34. According to BabyBjörn, the company worked with a variety of medical experts to develop the Baby Carrier Original to ensure that the Baby Carrier's design was correct.

35. BabyBjörn formally began development in the early 1970's. The Baby Carrier Original was released for sale to the public in 1973. It was called the Hjartenara ("Close to the Heart") Baby Carrier. The carrier is now known as the Baby Carrier Original and it is the product that made BabyBjörn a household name.⁸

36. In recent years, BabyBjörn has acknowledged that it is "important for the baby to sit in a natural, wide-legged position during their early months."⁹ In the early 2010's, BabyBjörn developed other versions of its baby carrier design, such as the BabyBjörn Miracle Carrier. These later models had updated designs with added support for the infant's hips. Despite these safer designs, the design of the Baby Carrier Original has not changed since its 1973 introduction.

37. Until earlier this year, the Baby Carrier Original was marketed specifically to parents of newborn infants.¹⁰

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⁷ www.babybjorn.com/children-and-safety.

⁸ <https://www.nytimes.com/2012/07/01/magazine/who-made-that-baby-bjorn.html>.

⁹ <https://care.babybjorn.com/en/support/solutions/articles/36000050609-why-is-the-baby-s-position-in-a-baby-carrier-so-important->

¹⁰ <https://babycarrierhq.com/reviews-of-top-5-best-selling-babybjorn-baby-carriers/>.

Advertising

38. BabyBjörn maintains in its marketing that the Baby Carrier Original “was the first baby carrier on the market, and [is] still the gold standard for baby wearing.”

39. Jakobson maintains that all of BabyBjörn’s products comply with applicable safety standards, and claims that “every parent ought to use a BabyBjörn carrier for their newborn babies.”¹¹

40. The Owner’s Manual for the Baby Carrier Original focuses on ensuring that infants do not fall out of the Baby Carrier, and are not smothered while in the Baby Carrier.¹² Parents of newborn infants are advised to “make sure the infant’s legs are straddling the seat and that their arms are placed through the armholes,” and to “make sure there is enough room around your baby’s face to provide a clear source of air.”¹³

41. The Owner’s Manual also claims that the “BabyBjörn Baby Carrier Original meets the safety requirements for baby carriers. (ASTM F2236-13).”¹⁴ However those standards deal solely with design elements that prevent falls and suffocation. They do not comment on the correct positioning of an infant’s hips.

42. BabyBjörn’s advertising materials for the Baby Carrier Original claim that the Baby Carrier Original has been tested and is safe for use. Specifically, BabyBjörn claims that the Baby Carrier Original complies with both European and United States safety standards for baby carriers.¹⁵

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¹¹ <https://www.youtube.com/watch?v=6CCswlHHkq8&list=PLA4A8C618AFD667F6&index=7> .

¹² <https://www.babybjorn.com/app/uploads/2016/04/bc-original-om-us-version-9-201612-hr.pdf>.

¹³ <https://www.babybjorn.com/app/uploads/2016/04/bc-original-om-us-version-9-201612-hr.pdf>, pp. 7-8.

¹⁴ *Id.*, p. 12.

¹⁵ <https://www.babybjorn.com/baby-carriers/original/>.

1 43. “Our product developers collaborate closely with pediatricians and
2 medical experts throughout the entire development process - both when developing
3 a completely new product and when refining an existing one.”¹⁶

4 44. BabyBjörn touts the fact that “[y]ou can pack your baby carrier in your
5 hospital bag. You can use a baby carrier as soon as your baby is born!”¹⁷

6 45. BabyBjörn acknowledges that hip dysplasia is a serious medical
7 problem, but denies that there is any connection between hip problems and modern
8 baby carriers.¹⁸ BabyBjörn’s website addresses the question of whether baby
9 carriers cause hip problems in its “Frequently Asked Questions.” BabyBjörn
10 inaccurately states that “[h]ip dysplasia cannot be caused by a baby carrier.”¹⁹

11 **What BabyBjörn Knew or Should Have Known**

12 46. Baby-carrying is an ancient practice. For baby-carrying to be safe,
13 infants must be carried in a particular way. The thighs must be supported, and the
14 hips must be bent into an “M” position.²⁰ Abduction of 35 to 40 degrees and
15 flexion of 90 to 120 degrees is the ideal position of an infant’s hips for optimal
16 development.²¹

17 47. If an infant’s hips are forced into a straight, stretched-out position too
18 early, there is a risk that the ball of the hips may deform the edges of the socket, or
19 slip out of the socket altogether. The risk of developing these disorders is greatest
20 in the first six months of an infant’s life.²² To prevent this, the International Hip

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22 ¹⁶ <https://www.babybjorn.com/children-and-safety/>.

23 ¹⁷ <https://www.babybjorn.com/when-is-it-safe-to-start-using-a-baby-carrier/>.

24 ¹⁸ <https://www.babybjorn.com/children-and-safety/>.

25 ¹⁹ [https://care.babybjorn.com/en/support/solutions/articles/36000050612-can-](https://care.babybjorn.com/en/support/solutions/articles/36000050612-can-carriers-cause-hip-problems-in-babies-)
26 [carriers-cause-hip-problems-in-babies-](https://care.babybjorn.com/en/support/solutions/articles/36000050612-can-carriers-cause-hip-problems-in-babies-)

27 ²⁰ [https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-](https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/)
28 [carriers-seats-and-other-equipment/](https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/).

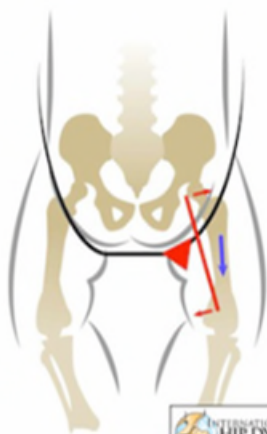
²¹ See Regine A. Schon, & Maarit Silven, Natural Parenting--Back to Basics in
Infant Care, 5(1) Evolutionary Psychology 102, 118 (2007).

²² <https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby->

1 Dysplasia Institute advises that “[w]hen babies are carried, especially for prolonged
2 periods of time, the hips should be allowed to spread apart with the thighs
3 supported and the hips bent.”²³ The diagram below illustrates the problem, and the
4 safe position.²⁴

5 **Baby Carriers**

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



23 *Thigh NOT supported to the knee joint. The
24 resulting forces on the hip joint may be
25 inappropriate for prolonged use when infants have
26 loose hip joints or hip dysplasia.*

27 **Better:**



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.

[carriers-seats-and-other-equipment/](#).

²³ *Id.*

²⁴ *Id.*

1 48. According to Dr. Charles Price from the International Hip Dysplasia
2 Institute, “The first six months of life is the only time that [hip dysplasia] can be
3 easily prevented. Numerous research studies have shown that positioning of the
4 baby’s hips during this time has tremendous influence on hip development.
5 Incorrect positioning can prevent natural improvement or even cause the hips to
6 dislocate. Straightening the legs and binding them together can cause serious
7 harm.”²⁵

8 49. The International Hip Dysplasia Institute notes that: “[t]here is
9 evidence that carrying a baby on the mother’s body (or father’s body) is likely to
10 influence hip development during the first six months of life when the baby is
11 carried for many hours each day for purposes of bonding, or infant care.”²⁶ Given
12 the known propensity for infants to develop hip dysplasia if not carried in a safe
13 manner, the International Hip Dysplasia Institute has acknowledged certain models
14 of baby carriers as “hip healthy.”²⁷ Notably, the BabyBjörn Baby Carrier is not a
15 “hip healthy” product. However, BabyBjörn has three other baby carrier designs
16 that have been deemed “hip healthy,”²⁸ confirming the company’s knowledge of
17 safer alternative designs than the Baby Carrier that caused Plaintiff’s injuries.

18 **FIRST CLAIM FOR RELIEF**
19 **NEGLIGENCE – NEGLIGENT DESIGN**

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

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24 ²⁵ [https://boba.com/blogs/boba-reads/an-interview-with-dr-charles-price-from-the-](https://boba.com/blogs/boba-reads/an-interview-with-dr-charles-price-from-the-international-hip-dysplasia-institute)
25 [international-hip-dysplasia-institute.](https://boba.com/blogs/boba-reads/an-interview-with-dr-charles-price-from-the-international-hip-dysplasia-institute)
26 ²⁶ [https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-](https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/)
27 [carriers-seats-and-other-equipment/.](https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/)
28 ²⁷ [https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-](https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/hip-healthy-products/)
[carriers-seats-and-other-equipment/hip-healthy-products/.](https://hipdysplasia.org/developmental-dysplasia-of-the-hip/prevention/baby-carriers-seats-and-other-equipment/hip-healthy-products/)

²⁸ *Id.*

1 51. BabyBjörn had a duty to individuals, including Plaintiff, to use
2 reasonable care in designing, testing, manufacturing, marketing, labeling,
3 packaging, and selling the Baby Carrier.

4 52. BabyBjörn's duty of care to Plaintiff O.T. was heightened since she is
5 a child.

6 53. BabyBjörn was negligent in failing to use reasonable care in designing,
7 testing, manufacturing, marketing, labeling, packaging and selling the Baby Carrier.

8 54. BabyBjörn was negligent in failing to use reasonable care to see that
9 the Baby Carrier was safe for its intended use.

10 55. BabyBjörn knew or had reason to know that the Baby Carrier was
11 dangerous when put to the use for which it was made.

12 56. BabyBjörn knew or had reason to know that those for whose use the
13 Baby Carrier was made would not realize the danger.

14 57. BabyBjörn failed to use the amount of care in designing the Baby
15 Carrier that a reasonably careful designer/manufacturer would use in similar
16 circumstances to avoid exposing others to a foreseeable risk of harm.

17 58. BabyBjörn's negligence was a substantial factor in causing Plaintiff's
18 harm.

19 59. As a direct and proximate cause of BabyBjörn's negligence, Plaintiff
20 has suffered and in the future will continue to suffer on an ongoing basis severe
21 personal injuries, pain and suffering, severe emotional distress, financial or
22 economic loss, including, but not limited to, obligations for medical services and
23 expenses, lost income and earning capacity, and other damages.

24 **SECOND CLAIM FOR RELIEF**
25 **NEGLIGENCE – NEGLIGENT FAILURE TO WARN**

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

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1 61. BabyBjörn had a duty to individuals, including Plaintiff, to warn users
2 of the dangerous propensity of the Baby Carriers.

3 62. BabyBjörn's duty of care to Plaintiff O.T. was heightened since she is
4 a child.

5 63. BabyBjörn failed to warn reasonably foreseeable users that the Baby
6 Carrier was dangerous when put to the use for which it was made.

7 64. BabyBjörn knew or had reason to know that the Baby Carrier was
8 dangerous when put to the use for which it was made.

9 65. BabyBjörn knew or had reason to know that those for whose use the
10 Baby Carrier was made would not realize the danger.

11 66. Had BabyBjörn warned of the danger of hip dysplasia, Guardian
12 Natalie and Plaintiff would not have used the product.

13 67. BabyBjörn's negligence was a substantial factor in causing Plaintiff's
14 harm.

15 68. As a direct and proximate cause of BabyBjörn's negligence, Plaintiff
16 has suffered and in the future will continue to suffer on an ongoing basis severe
17 personal injuries, pain and suffering, severe emotional distress, financial or
18 economic loss, including, but not limited to, obligations for medical services and
19 expenses, lost income and earning capacity, and other damages.

20 **THIRD CLAIM FOR RELIEF**
21 **NEGLIGENCE – NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

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

24 70. BabyBjörn had a duty to exercise reasonable care in designing,
25 developing, formulating, manufacturing, testing, packaging, promoting, labeling,
26 advertising, marketing, instructing on, warning about, distributing, supplying and/or
27 selling the Baby Carrier, including a duty to ensure that the product did not pose a
28 significantly increased risk of bodily harm.

1 71. BabyBjörn failed to exercise such reasonable care, in that BabyBjörn
2 knew or should have known that the Baby Carrier posed a significantly increased
3 risk of hip dysplasia and was not safe for use by consumers, but BabyBjörn
4 continued to design, develop, formulate, manufacture, test, package, promote, label,
5 advertise, market, instruct on, warn about, distribute, supply and/or sell the product
6 without adequate labeling and/or adequate warnings.

7 72. BabyBjörn knew or should have known that consumers, such as
8 Plaintiff, would foreseeably suffer injury as a result of BabyBjörn's failure to
9 exercise reasonable care.

10 73. As a direct and proximate result of BabyBjörn's negligence, Plaintiff
11 was in the zone of physical danger, suffered physical injury and emotional distress,
12 and will continue to suffer such emotional harm in the future.

13 **FOURTH CLAIM FOR RELIEF**
14 **STRICT LIABILITY – DESIGN DEFECT**

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

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

21 76. The harm caused by the Baby Carrier far outweighed any benefit,
22 rendering BabyBjörn's product dangerous to an extent beyond that which an
23 ordinary consumer would contemplate. The Baby Carrier was and is more
24 dangerous than alternative products, and BabyBjörn could have designed the Baby
25 Carrier to make it less dangerous. At the time BabyBjörn designed, marketed, and
26 sold the Baby Carrier, the state of the industry's knowledge was such that a less
27 risky design or formulation was attainable.

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1 77. The Baby Carrier’s design was defective because the Baby Carrier did
2 not perform as safely as an ordinary consumer would have expected it to perform
3 when it was used in an intended or reasonably foreseeable way.

4 78. At the time the Baby Carrier left BabyBjörn’s control, there was a
5 practical, technically feasible and safer alternative design that would have
6 prevented the harm to Plaintiff without substantially impairing the reasonably
7 anticipated or intended function of the Baby Carrier.

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

13 80. The Baby Carrier’s design and/or its failure to perform safely was a
14 substantial factor in causing Plaintiff’s harm.

15 81. As a direct and proximate result of the Baby Carrier’s design defects,
16 Plaintiff has suffered and in the future will continue to suffer on an ongoing basis
17 severe personal injuries, pain and suffering, severe emotional distress, financial or
18 economic loss, including, but not limited to, obligations for medical services and
19 expenses, lost income and earning capacity, and other damages.

20 82. BabyBjörn is strictly liable to Plaintiff for designing, testing,
21 manufacturing, marketing, labeling, packaging and selling a defective Baby Carrier.

22 **FIFTH CLAIM FOR RELIEF**
23 **STRICT LIABILITY – FAILURE TO WARN**

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

26 84. The Baby Carrier was not accompanied by sufficient warnings to
27 inform users, such as Guardian Natalie and Plaintiff, of the risks of harm not readily
28 recognizable while using the Baby Carrier in a reasonably foreseeable manner.

1 85. At the time of manufacture, BabyBjörn could have provided warnings
2 or instructions regarding the full and complete risks of the Baby Carrier, because
3 BabyBjörn knew or should have known of the unreasonable risks of harm
4 associated with the use of the product.

5 86. The known risks presented a substantial danger to Plaintiff when the
6 Baby Carrier was used in an intended or foreseeable way.

7 87. Plaintiff could not have reasonably discovered the defects and risks
8 associated with the Baby Carrier prior to or at the time of use. Guardian Natalie
9 and Plaintiff relied upon the skill, expertise, and judgment of BabyBjörn.

10 88. Had BabyBjörn provided adequate warnings and instructions and
11 properly disclosed and disseminated the risk associated with the Baby Carrier,
12 Plaintiff could have avoided the risk of developing injuries and could have obtained
13 or used an alternative product.

14 89. BabyBjörn's failure to warn Plaintiff was a substantial factor in
15 causing Plaintiff's harm.

16 90. As a direct and proximate result of the Baby Carrier's defects, Plaintiff
17 has suffered and in the future will continue to suffer on an ongoing basis severe
18 personal injuries, pain and suffering, severe emotional distress, financial or
19 economic loss, including, but not limited to, obligations for medical services and
20 expenses, lost income and earning capacity, and other damages.

21 91. BabyBjörn is strictly liable to Plaintiff for designing, testing,
22 manufacturing, marketing, labeling, packaging and selling the defective Baby
23 Carrier.

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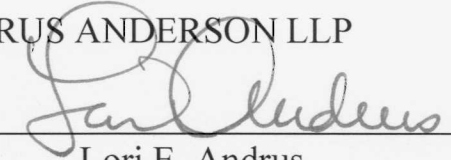
PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendants and, as appropriate to each cause of action, as follows:

- 1. compensatory damages, including but not limited to, pain, suffering, emotional distress, loss of enjoyment of life, and other non-economic damages, in an amount to be determined at trial;
- 2. economic damages in the form of medical expenses, cost of future medical care, out of pocket expenses, lost earnings and earning capacity, and other economic damages in an amount to be determined at trial;
- 3. restitution and/or disgorgement;
- 4. an award of costs;
- 4. pre-judgment interest;
- 5. post-judgment interest; and
- 6. any other relief as this Court may deem just and proper.

DATE: May 14, 2020

ANDRUS ANDERSON LLP

By: 
Lori E. Andrus

Lori E. Andrus (SBN 205816)
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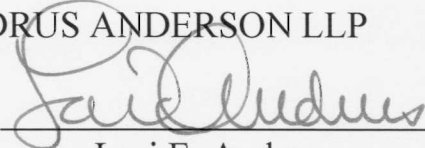
DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial in this action for all claims so triable.

DATE: May 14, 2020

ANDRUS ANDERSON LLP

By:


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