

APRIL TAYLOR, Individually and as
Next Friend and Parent of L.G., and as Personal
Representative of the Estate of L.G.
265 E. Main Street, Suite D
Westminster, Maryland 21157

and

ERIC GIFFI, Individually and as Next Friend
and Parent of L.G.
265 E. Main Street, Suite D
Westminster, Maryland 21157

Plaintiffs,

v.

FISHER-PRICE, INC.
636 Girard Ave.
East Aurora, New York 14052

Serve on:
The Corporation Trust Incorporated
351 West Camden Street
Baltimore, Maryland 21201

and

MATTEL, INC.
333 Continental Boulevard
El Segundo, California 90245

Serve on:
The Corporation Trust Company
1209 Orange Street
Wilmington, Delaware 19801

Defendants.

IN THE
CIRCUIT COURT
FOR
CARROLL COUNTY
MARYLAND
Case No.: C-06-CV-22-000050
FIRST AMENDED COMPLAINT
AND JURY DEMAND

FIRST AMENDED COMPLAINT FOR DAMAGES AND JURY DEMAND

Plaintiffs, April Taylor, Individually and as Next Friend and Parent of L.G., and Personal
Representative of the Estate of L.G., a deceased minor and Eric Giffi (“Plaintiffs”), Individually
and as Next Friend and Parent of deceased minor L.G., by and through undersigned counsel

hereby files this First Amended Complaint For Damages and Jury Trial Demand against Defendants, Fisher Price, Inc, a foreign corporation, and Mattel, Inc., a foreign corporation and in support hereof, Plaintiffs respectfully aver as follows:

PARTIES AND JURISDICTION

1. Plaintiff April Taylor is a United States citizen currently residing at 265 E. Main Street, Suite D, Westminster, Carroll County, Maryland, 21157.
2. Decedent, L.G., was a minor child and United States citizen and at the time of his death he resided at 265 E. Main Street, Suite D, Westminster, Carroll County, Maryland, 21157.
3. Plaintiff April Taylor is the natural parent and next friend of Decedent L.G .
4. Plaintiff April Taylor was appointed Personal Representative of the Estate of L.G. by Order of the Register of Wills for Carroll County, Maryland entered on April 1, 2022, and has received letters of Administration from the Court granting Plaintiff authority over Decedent's estate.
5. Plaintiff Eric Giffi is a United States citizen currently residing at 265 E. Main Street, Suite D, Westminster, Carroll County, Maryland, 21157.
6. Plaintiff Eric Giffi is the natural parent and next friend of Decedent L.G.
7. At all relevant times Plaintiffs and Decedent were residents of the State of Maryland.
8. Decedent L.G. is survived by his mother, Plaintiff April Taylor and his father, Plaintiff Eric Giffi, both of whom are his next of kin.
9. Plaintiff April Taylor brings this action on behalf of the next of kin, which are herself, as mother, and Eric Giffi, as father, pursuant to the Maryland Courts and Judicial Proceedings Annotated Code §3-904 (2014).

10. Plaintiffs April Taylor and Eric Giffi conducted a good faith and reasonably diligent effort to identify, locate, and name as use plaintiffs all individuals who might qualify as use plaintiffs.

11. Defendant Mattel, Inc. (“Mattel”) is a corporation organized under the laws of the State of Delaware with its principal place of business at 333 Continental Boulevard, El Segundo, California 90245. Defendant Mattel, Inc. can be served through its registered agent: The Corporation Trust Company, 1209 Orange Street, Wilmington, Delaware 19801.

12. Defendant Mattel is authorized to do and is doing business in Maryland.

13. Defendant, Fisher-Price, Inc. (“Fisher-Price”) is organized under the laws of the State of Delaware with its principal place of business at 636 Girard Avenue, East Aurora, New York 14052 and is a subsidiary of Mattel. Defendant Fisher-Price, Inc. can be served through its registered agent: The Corporation Trust Incorporated, 351 West Camden Street, Baltimore, Maryland, 21201.

14. Defendant Fisher-Price is authorized to do and is doing business in Maryland.

15. All acts complained of herein were done by Defendants or their authorized agents, and if by Defendants’ employees, in the course and scope of their employment, so that Defendants are legally responsible for their agents’ or employees’ acts.

VENUE AND JURISDICTION

16. This Court has jurisdiction over Defendants pursuant to MD. Code Ann. Cts. & Jud. Proc. § 6-102 and § 6-103(b). Defendants regularly conduct and transact business in Carroll County, Maryland.

17. Venue is proper in Carroll County pursuant to MD. Code Ann. Cts. & Jud. Proc. § 6-202(8) because the cause of action arose in Carroll County where Plaintiffs and the decedent were injured.

FACTUAL BACKGROUND

18. Plaintiffs reallege the allegations of paragraphs 1 through 18.

19. The Rock ‘n Play is an inclined sleep product marketed for infant overnight sleep.

20. The Rock ‘n Play was first introduced to the U. S. market by Fisher-Price and Mattel in 2009.

21. The Rock ‘n Play includes a folding frame with a fabric hammock.

22. The Rock ‘n Play was advertised and marketed as safe for infant sleeping, including overnight sleep.

23. The American Academy of Pediatrics (“AAP”) and major consumer groups repeatedly issued warnings about the serious dangers of inclined sleepers.

24. Canada and Australia both prohibited to sale of the Rock ‘n Play over concerns about the dangers of allowing infants to sleep in an inclined position.

25. At least 94 deaths have occurred in babies using the Rock ‘n Play sleeper since the introduction of the sleeper in 2009.

26. Upwards of 700 injuries have been reported due to the use of inclined sleepers, including the Rock ‘n Play sleeper.

27. On April 5, 2019, the Consumer Product Safety Commission (“CPSC”) and Fisher-Price issued a statement advising the public that ten infant deaths have occurred while using the Rock ‘n Play since 2015 and recommending that the infant sleeper not be used once the

infant has reached three months of age or as soon as the infant exhibits rollover capabilities.¹

28. On April 5, 2019, Mattel issued a press release, which assured the public that “[t]he Rock ‘n’ Play Sleeper meets all applicable safety standards, including those of the international standards organization, known as ASTM International, and is certified by the Juvenile Products Manufacturers Association (JPMA).²

29. On April 5, 2019, Chuck Scothorn, general manager at Fisher-Price issued a statement about the Rock ‘n Play Sleeper and told the public that the sleeper meets all “applicable safety standards.”³

30. On April 8, 2019, Consumer Reports published an article entitled, *Fisher-Price Rock ‘n Play Sleeper Should Be Recalled, Consumer Reports Says*⁴. The article outlines an investigation into the safety of the Rock ‘n Play Sleeper which found that Fisher-Price was aware of at least 32 deaths since 2009 involving the Rock ‘n Play Sleeper. Despite the number of injuries and deaths with the Rock ‘n Play Sleeper, the investigation found that the Rock ‘n Play Sleeper had not been recalled. Consumer Reports safety experts supported a recall and recommended that all users of the Rock ‘n Play Sleeper immediately stop using it for routine sleep.⁵

¹<https://www.cpsc.gov/Newsroom/News-Releases/2019/CPSC-ALERT-CPSC-and-Fisher-Price-Warn-Consumers-About-Fisher-Price-Rock-N-Play-Due-to-Reports-of-Death-When-Infants-Roll-Over-in-the-Product> (last visited February 9, 2021).

²<https://investors.mattel.com/news-releases/news-release-details/media-statement-us-consumer-product-safety-commission-fisher> (last visited February 9, 2021).

³<https://www.cnn.com/2019/04/05/health/fisher-price-rock-n-play-sleeper-warning/index.html> (last visited February 9, 2021).

⁴<https://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/> (last visited February 9, 2021).

⁵<https://www.consumerreports.org/recalls/fisher-price-rock-n-play-sleeper-should-be-recalled-consumer-reports-says/> (last visited February 9, 2021).

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