

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI**

AUNESTY JANSSEN INDIVIDUALLY)	Civil Action No.:
AND AS MOTHER AND GENERAL)	
GUARDIAN)	
OF CARSON REIKOFSKI A MINOR,)	
)	JULY TRIAL DEMANDED
)	
Plaintiffs,)	
)	
v.)	
)	
CVS HEALTH CORPORATION,)	
WALGREENS BOOTS ALLIANCE,)	
INC.)	
)	
Defendants.)	

COMPLAINT

Plaintiff Aunesty Janssen and Plaintiff Carson Reikofski, pursuant to Fed. R. Civ. P. 17(c)(1)(A), by and through their undersigned counsel, bring this Complaint for damages against Defendants CVS Health Corporation (hereinafter, “CVS”) and Walgreens Boots Alliance, Inc. (hereinafter, “Walgreens”) (collectively, the “Defendants”) and in support state the following:

1. This is an action brought on behalf of Plaintiffs, Aunesty Janssen (hereinafter, “Plaintiff Mother”), the natural and general guardian and mother of Carson Reikofski (hereinafter, “Plaintiff Child”), a minor, arising out of the failure of Defendants to warn about the dangers of prenatal exposure to Paracetamol, also known as Acetaminophen (hereinafter “APAP”) and its propensity to cause autism spectrum disorder (hereinafter “ASD”) in children. 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 entirely failed their duty to adequately warn of the hazards of prenatal exposure to APAP, which was a direct and proximate cause of Plaintiffs' injuries and associated damages.

STATEMENT OF PARTIES

3. At all material times Plaintiffs have been citizens and residents of Bates County, Missouri, and the United States.

4. CVS is incorporated in Delaware, with its principal place of business in Rhode Island.

5. Walgreens is incorporated in Delaware, with its principal place of business in Illinois.

6. Defendants are both multinational companies involved in the research, development, testing, manufacture, labeling, production, marketing, promotion, and/or sale of APAP through their over-the-counter store brands sold and marketed through their retail stores (hereinafter, the "APAP Products").

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

8. Defendants are vicariously liable for the acts and/or omissions of their employees and/or agents, who were at all material times acting on behalf of Defendants and within the scope of their employment or agency.

VENUE AND JURISDICTION

9. 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* ¶¶ 3–5.

10. The amount in controversy exceeds \$75,000.

11. 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.

12. Defendants have and continue to conduct substantial business in the State of Missouri 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.

13. Defendants are registered to transact business in Missouri.

FACTS COMMON TO ALL COUNTS

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

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

15. APAP was initially discovered in the late 1800’s.

16. 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.”

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

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

19. More than 65% of women in the United States use APAP during pregnancy.
20. Based upon information and belief, a majority of women who use APAP during pregnancy do so electively for the treatment of headaches, muscle pain, back pain, and infection.
21. These pregnant women electively choose to take APAP because Defendants have marketed APAP as a safe pain reliever for pregnant women.
22. However, increasing 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”).
23. 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.
24. Once ingested by the mother, APAP is known to readily cross the placenta and blood-brain barrier.
25. ASD is a serious neurological and developmental disorder that affects how people interact with others, communicate, learn, and behave.
26. 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.
27. 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.

28. ADHD is a chronic neurodevelopmental disorder resulting in attention difficulty, hyperactivity, and impulsiveness.

29. 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.

30. 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.

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

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

33. For years, the scientific community has published studies showing that prenatal ingestion of APAP can cause neurodevelopmental disorders, like ASD.

34. 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 the neurodevelopmental disorders of ASD and ADHD.

35. At this time, the overall body of scientific evidence shows that prenatal use of APAP can cause neurodevelopmental disorders, like ASD, in the child.

36. 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.

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