

STATE OF MINNESOTA

IN DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

WRONGFUL DEATH

TAYLOR RAE BETHARD, individually and
as Trustee for the heirs and next of kin of
ESTHER JOHANNA FAITH BETHARD,
Deceased, and as parent and natural guardian
of L.R.B., L.E.G.B., J.M.B., and E.O.B.,
minors; and TYLER JOSEPH BETHARD,
individually and as parent and natural guardian
of L.R.B., L.E.G.B., J.M.B., and E.O.B.,
minors,

Court File No.

SUMMONS

Plaintiffs,

v.

TARGET CORPORATION;
TARGET.COM, a division of Target
Corporation;
TARGET SOURCING SERVICES LLC, a
subsidiary of Target Corporation;
TARGET ENTERPRISE, INC., a subsidiary
of Target Corporation;
and TARGET GENERAL MERCHANDISE,
INC., a subsidiary of Target Corporation,

*Defendants.***TO THE ABOVE NAMED DEFENDANTS:**

1. **YOU ARE BEING SUED.** The Plaintiffs have started a lawsuit against you. Plaintiffs' Complaint against you is attached to this Summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. **YOU MUST REPLY WITHIN 21 DAYS TO PROTECT YOUR RIGHTS.** You must give or mail to the person who signed this Summons a written response called an Answer within 21 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed the summons located at SCHWEBEL, GOETZ & SIEBEN, P.A., 80 South Eight Street, Minneapolis, MN 55402.

3. **YOU MUST RESPOND TO EACH CLAIM.** The Answer is your written response to Plaintiffs' Complaint. In your Answer, you must state whether you agree or disagree with each paragraph of the Complaint. If you believe Plaintiffs should not be given everything asked for in the Complaint, you must say so in your Answer.

4. **YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS.** If you do not Answer within 21 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award Plaintiffs everything asked for in the Complaint. If you do not want to contest the claim stated in the Complaint, you do not need to respond. A Default Judgment can then be entered against you for the relief requested in the Complaint.

5. **LEGAL ASSISTANCE.** You may wish to get help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose this case.**

6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative resolution process. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Date: July 1, 2026

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STATE OF MINNESOTA

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TAYLOR RAE BETHARD, individually and
as Trustee for the heirs and next of kin of
ESTHER JOHANNA FAITH BETHARD,
Deceased, and as parent and natural guardian
of L.R.B., L.E.G.B., J.M.B., and E.O.B.,
minors; and TYLER JOSEPH BETHARD,
individually and as parent and natural guardian
of L.R.B., L.E.G.B., J.M.B., and E.O.B.,
minors, Court File No.

COMPLAINT*Plaintiffs,*

v.

TARGET CORPORATION;
TARGET.COM, a division of Target
Corporation;
TARGET SOURCING SERVICES LLC, a
subsidiary of Target Corporation;
TARGET ENTERPRISE, INC., a subsidiary
of Target Corporation;
and TARGET GENERAL MERCHANDISE,
INC., a subsidiary of Target Corporation,

Defendants.

Plaintiffs Taylor Rae Bethard, individually and as Trustee for the heirs and next of kin of Esther Johanna Faith Bethard, deceased, and as parent and natural guardian of L.R.B., L.E.G.B., J.M.B., and E.O.B., minors; and Tyler Joseph Bethard, individually and as parent and natural guardian of L.R.B., L.E.G.B., J.M.B., and E.O.B., minors, as and for their Complaint, respectfully allege:

I. THE PARTIES

1. Plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard, are adult residents of the

State of Wisconsin, residing at 119 West State Road, North Prairie, WI 53153.

2. Plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard were the mother and father of Esther Johanna Faith Bethard (also referred to as “Esther Jo” or “decedent”), who was born on August 28, 2022, and died intestate on July 7, 2023, at the age of ten (10) months.

3. Plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard were appointed as the personal representatives of Esther Jo’s Estate on or about October 13, 2023, by the Circuit Court of Waukesha County, State of Wisconsin, in the matter styled In the Estate of Esther J. Bethard, Case No. 2023PR000576.

4. Plaintiff Taylor Rae Bethard was duly appointed Trustee for the next of kin of Esther Johanna Faith Bethard, deceased, pursuant to Minn. Stat. § 573.02, subd. 3, by Order of the District Court for Hennepin County, Minnesota, dated May 8, 2026, and brings the wrongful death claims asserted herein in that capacity. See Order appointing Taylor Bethard as Trustee, attached as Exhibit “A.”

5. Plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard also bring this lawsuit in their personal capacities and as parents and natural guardians of their four minor children, identified herein as L.R.B., L.E.G.B., J.M.B., and E.O.B., who reside with them in North Prairie, Wisconsin.

6. Defendant Target Corporation is a Minnesota corporation, with its principal place of business at 1000 Nicollet Mall, Minneapolis, MN 55403. Target Corporation may be served through its registered agent, CT Corporation System, located at 1010 Dale Street North, St. Paul, MN 55117.

7. Defendant Target.com is a division of Target Corporation, with its principal business address located at 1000 Nicollet Mall, Minneapolis, MN 55403. Target.com may be

served through Target Corporation's registered agent, CT Corporation System, located at 1010 Dale Street North, St. Paul, MN 55117.

8. Defendant Target Sourcing Services LLC is a Delaware limited liability company and subsidiary of Target Corporation, with a registered agent for service of process, The Corporation Trust Company, located at Corporation Trust Center, 1209 Orange Street, Wilmington, DE 19801.

9. Defendant Target Enterprise, Inc. is a Minnesota corporation and subsidiary of Target Corporation, with its principal office address located at 1000 Nicollet Mall, Minneapolis, MN 55403. Target Enterprise, Inc. may be served through its registered agent, CT Corporation System, located at 1010 Dale Street North, St. Paul, MN 55117.

10. Defendant Target General Merchandise, Inc. is a Minnesota corporation and subsidiary of Target Corporation, with its principal office address located at 1000 Nicollet Mall, TPS 2672, Minneapolis, MN 55403. Target General Merchandise, Inc. may be served through its registered agent, CT Corporation System, located at 1010 Dale Street North, St. Paul, MN 55117.

11. Defendants Target Corporation, Target.com, Target Sourcing Services LLC, Target Enterprise, Inc., and Target General Merchandise, Inc. are referred to collectively as "Target" or the "Target defendants."

12. At all relevant times, the Target defendants, and/or one or more of them, participated in, controlled, directed, approved, or had responsibility for the safety review, post-sale monitoring, product investigation, market withdrawal, stop sale, recall, or consumer notification decisions concerning the Chuckle & Roar™ water bead-containing products sold through Target retail stores and online through Target.com.

13. At all relevant times, the Target defendants, and/or one or more of them, were involved in offering, selling, distributing, or placing into the stream of commerce the Chuckle & Roar™ Ultimate Water Beads Activity Kit (the “Activity Kit” or “product”) purchased by plaintiffs.

14. At all relevant times, Target was the exclusive seller of the Activity Kit.

II. JURISDICTION AND VENUE

15. The Court has subject matter jurisdiction pursuant to Minn. Stat. § 484.01. Personal jurisdiction over defendants Target Corporation, Target Enterprise, Inc., and Target General Merchandise, Inc. is proper because each is a Minnesota corporation with offices in Minneapolis, Minnesota. Personal jurisdiction over the remaining Target defendants is proper because they directly and/or through their agents, divisions, subsidiaries, affiliates, and related entities transacted business in Minnesota, participated in the sale, sourcing, distribution, marketing, safety review, post-sale monitoring, recall, or consumer notification decisions concerning the product at issue, and caused injury through conduct connected to Minnesota.

16. Venue is proper in this Court pursuant to Minn. Stat. § 542.09 because defendant Target Corporation is headquartered and resides in Hennepin County and because the cause of action, or some part thereof, arose in Hennepin County, including through marketing, distribution, sourcing, safety review, post-sale monitoring, and consumer notification decisions concerning the product at issue.

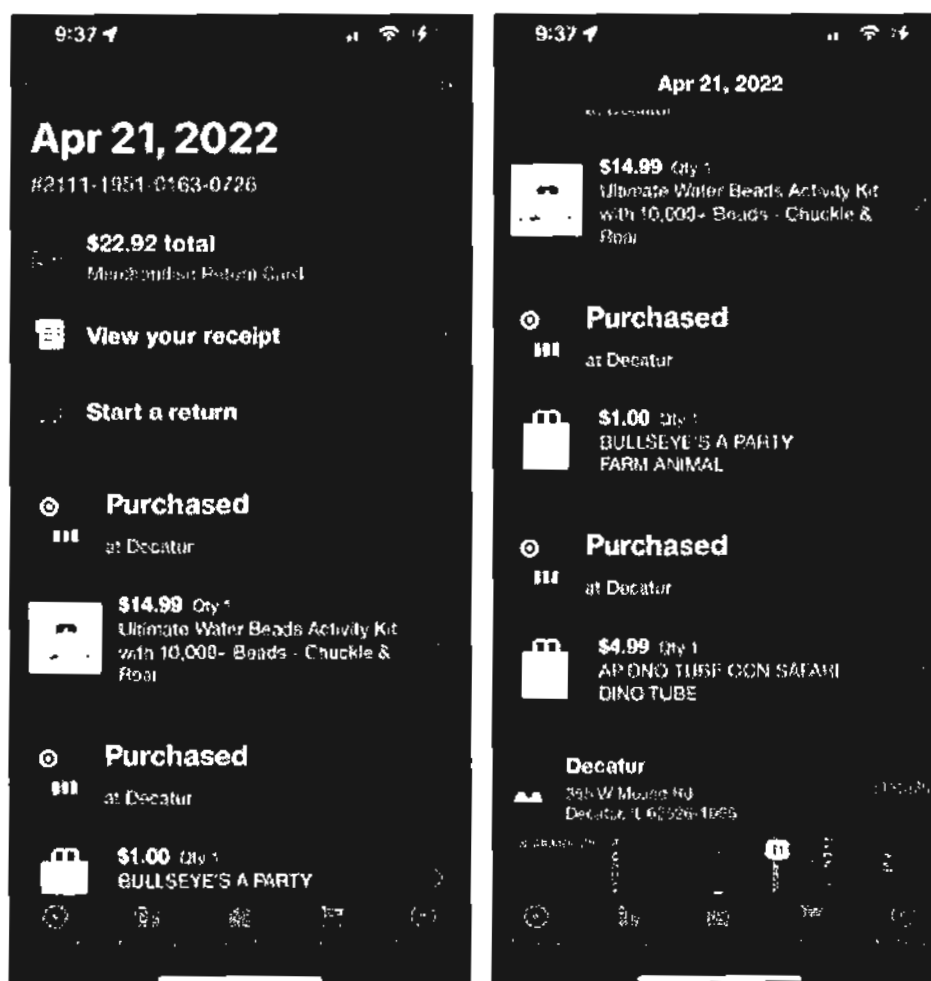
17. This action is not removable to United States District for the District of Minnesota as defendant Target Corporation is a citizen of the State of Minnesota, and it is properly joined and served with the summons and complaint of this action before any other defendant. *See* 28 U.S.C. § 1441(b)(2).

III. FACTUAL ALLEGATIONS

A. Facts Specific to Esther Jo Bethard's Death

18. On or about April 21, 2022, plaintiffs purchased a Chuckle & Roar™ Ultimate Water Beads Activity Kit from a Target retail store located in Decatur, Illinois.

19. At all relevant times, the Target defendants maintained a record of plaintiffs' purchase of the Activity Kit, which could be easily accessed through Target's smart phone application or website:



Screenshots from Plaintiffs' Target Smart Phone Application

20. Accordingly, the Target defendants had a record of plaintiffs' purchase of the Activity Kit and the means to contact plaintiffs.

21. The Activity Kit was purchased for use as a sensory toy for the older children in the household. It was never intended to be used by plaintiffs' youngest child, Esther Johanna Faith Bethard.

22. The Activity Kit was used under adult supervision at all times and, when not in use, stored in a sealed bag inside its original packaging and kept on a high shelf.

23. On July 6, 2023, Esther Jo began to exhibit symptoms consistent with some sort of stomach illness, including vomiting, refusing to nurse, and sleeping through the night without waking to feed.

24. Her parents monitored her temperature, diaper output, and symptoms and contacted their pediatrician's office twice.

25. That evening, Esther Jo experienced vomiting and repeated episodes of dry heaving and gagging. Her parents stayed with her throughout the night, offering fluids and monitoring her closely. Esther Jo appeared to stabilize and was placed in her crib at approximately 5:00 a.m. on July 7.

26. At approximately 7:00 a.m. on July 7, plaintiff Taylor Bethard was watching the baby monitor and saw two of her children, J.M.B. and E.O.B., enter Esther Jo's room. Esther Jo did not respond or stand up, which concerned Taylor. She called them out of the room.

27. Plaintiff Taylor Bethard then entered Esther Jo's room. She noticed a red puddle of vomit near the crib and immediately turned on the light. Esther Jo was stiff, had no pulse, and was not breathing.

28. Plaintiff Taylor Bethard called 911 and began performing CPR on Esther Jo. Plaintiff Tyler Bethard was contacted immediately and soon joined the scene. All four minor children, L.R.B., L.E.G.B., J.M.B., and E.O.B., were present in the home and witnessed either

Esther Jo's lifeless body or their mother's attempts to resuscitate her. As a result, each child experienced severe and permanent emotional and psychological trauma as a result.

29. Emergency responders arrived promptly, and Esther Jo was emergently transported to Waukesha Memorial Hospital, where she was pronounced dead at 7:41 a.m.

30. Medical professionals later informed the family that the cause of death was consistent with complications from ingestion of a single water bead. The water bead is believed to have expanded inside Esther Jo's body, causing fatal internal obstruction.

31. At all times, plaintiffs took all reasonable precautions to store the product securely and keep it out of reach of Esther Jo.

32. Esther Jo's untimely death was entirely preventable except for the Target defendants' causally negligent and reckless conduct, as described further herein.

B. The Hazards of Water Beads

33. Water beads are sold in packages containing hundreds or thousands of tiny plastic beads.

34. They are made of superabsorbent polymers.¹

35. Because of their superabsorbent properties, water beads can absorb and retain hundreds of times their weight in water without dissolving.²

36. When exposed to water, they can expand in size between 150 to 1,500 times.³

37. Water beads were not originally designed, sold, or marketed as a children's toy or

¹ Are Water Beads Dangerous?, POISON CONTROL, <https://www.poison.org/articles/are-water-beads-toxic> (last visited June 30, 2026).

² Are Water Beads Dangerous?, POISON CONTROL, <https://www.poison.org/articles/are-water-beads-toxic> (last visited June 30, 2026).

³ *Id.*

product. They were initially marketed and sold as an industrial agricultural product to maintain soil moisture.⁴

38. The National Capital Poison Center (“Poison Control”) states that water beads are now “often sold as toys for young children” and can cause “life-threatening intestinal blockage if swallowed.”⁵

39. Poison Control further warns that water beads “can absorb fluid and expand in the intestinal tract after they are swallowed, and this can cause serious and sometimes life-threatening intestinal blockage.”⁶

40. According to Poison Control, water beads “sold as toys are often brightly colored and may resemble candy,” which “make[s] water beads appealing to young children, who may swallow them or put them in their ear, nose, or other body openings.”⁷

41. In response to the question “Can water beads kill you?” Poison Control stated: “Yes. Swallowing water beads can cause life-threatening intestinal damage. At least one death has occurred after water bead ingestion by a child. In that case, a 6-month-old boy suffered a bowel blockage after swallowing a single superabsorbent polymer bead given to him by a neighbor. The infant underwent surgery to fix the intestinal obstruction but later developed an infection and died. Water beads are also a choking hazard, especially in children younger than 3

⁴ Bannen, Sean, and Claire Yakota. “Energy in the Life Cycle of Orbeez” *Design Life-Cycle*, <https://www.designlife-cycle.com/new-page-68> (last visited June 30, 2026).

⁵ Are Water Beads Dangerous?, POISON CONTROL, <https://www.poison.org/articles/are-water-beads-toxic> (last visited June 30, 2026).

⁶ *Id.*

⁷ *Id.*

years.”⁸

42. In March 2016, the American Academy of Pediatrics (“AAP”), the largest professional society of pediatricians in the United States, published a paper warning: “Water-absorbing beads can be harmful if swallowed, put in ear.”⁹

43. In this AAP paper, Dr. Jenifer Lightdale, Associate Chief of the Division of Gastroenterology, Hepatology, and Nutrition at Boston Children’s Hospital, stated: “These particular objects can grow bigger as they pass through the intestines, ultimately paving the way for obstruction.”¹⁰

44. The same AAP paper explicitly warned that “Water-absorbing gel beads sold as children’s toys and used in vases and gardens are a growing problem among children.”¹¹

45. The AAP further warned that these water beads “may not be visible on X-rays.”¹²

46. In this same AAP paper, the AAP warned that, since 2012, “several children have required emergency care after swallowing beads.”¹³

47. In 2012, a six-month-old child in Pakistan died after swallowing a water bead that

⁸ Are Water Beads Dangerous?, POISON CONTROL, <https://www.poison.org/articles/are-water-beads-toxic> (last visited June 30, 2026).

⁹ Koriath, Trisha. “Parent Plus: Water-absorbing beads can be harmful if swallowed, put in ear.” *AAP News*, 22 March 2016, <https://publications.aap.org/aapnews/news/12513/Parent-Plus-Water-absorbing-beads-can-be-harmful> (last visited June 30, 2026).

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

caused a bowel blockage.¹⁴

C. CPSC Recalls in 2012 and 2013 for Similar Hazards

48. In 2012 and 2013, the United States Consumer Product Safety Commission (“CPSC”) issued recalls of multiple water-absorbing polymer bead toys after children were injured from ingesting the products.^{15, 16} These recalls targeted toys sold under various brand names and emphasized the life-threatening risk of internal obstruction due to the beads’ capacity to expand drastically when exposed to water inside the body.

49. The recalled products included products known as Water Balz, Growing Skulls, H2O Orbs “Despicable Me,” Fabulous Flowers, Monster Science Colossal Water Balls, and Super Star Science! These products were substantially similar in material, design, and use to the Chuckle & Roar™ water beads. Each product consisted of marble-sized polymer balls capable of expanding up to 400 times their original size. Like Chuckle & Roar™ water beads, these earlier products were marketed as toys and accessible to young children. Some of the recalled products were sold by the Target defendants.

50. In the December 2012 recall of a water bead product, the CPSC identified the “hazard” (*i.e.*, the reason for the recall) as expansion inside the body when ingested: “[I]t expands

¹⁴ Jacques, Owen. “Water beads can cause fatal blockages if ingested, but popular kids’ toy still for sale.” *ABC News*, 17 May 2021, <https://www.abc.net.au/news/2021-05-18/water-beads-danger-to-kids-but-they-are-still-on-sale/100144776> (last visited June 30, 2026).

¹⁵ U.S. Consumer Product Safety Commission. (2012, December 17). Dunecraft Recalls Water Balz, Skulls, Orbs and Flower Toys Due to Serious Ingestion Hazard. Retrieved from <https://www.cpsc.gov/Recalls/2012/duncraft-recalls-water-balz-skulls-orbs-and-flower-toys-due-to-serious-ingestion> (last visited June 30, 2026).

¹⁶ U.S. Consumer Product Safety Commission. (2013, July 31). Be Amazing! Toys Recalls Monster Science and Super Star Science Colossal Water Balls Due to Serious Ingestion Hazard. Retrieved from <https://www.cpsc.gov/Recalls/2013/Be-Amazing-Toys-Recalls-Monster-Science-and-Super-Star-Science-Colossal-Water-Balls> (last visited June 30, 2026).

inside the body and causes a blockage in the small intestine, resulting in severe discomfort, vomiting, dehydration and could be life threatening.” The agency warned that “the toys do not show up on an x-ray and require surgery to be removed from the body.”

51. The recall followed an incident involving an 8-month-old girl from Humble, Texas who ingested a Water Balz bead. The bead expanded inside her, blocked her intestines, and required surgical removal. The incident was cited directly in the CPSC’s safety notice.

52. In July 2013, the CPSC announced a second major recall involving Be Amazing! Toys’ Monster Science and Super Star Science! Colossal Water Balls. The agency again emphasized the product’s ingestion hazard, noting that the “soft and colorful product can be easily mistaken by a child for candy.” If swallowed, the beads posed the same risks of internal blockage, severe symptoms, and required surgical intervention. The CPSC specifically referenced the prior 2012 incident as a cautionary example of what could occur.

53. The 2013 recall involved over 14,000 units sold in the United States and added further public warnings that the product does not show up on x-rays and expands significantly after ingestion. Like the 2012 recall, the 2013 action underscored that these hazards were not speculative but known and documented.

54. These recalls placed manufacturers, distributors, and retailers, including the Target defendants, on clear notice of the dangers water-absorbing beads pose to children. Despite these warnings, the Target defendants chose to market and sell Chuckle & Roar™ water beads with no meaningful warnings, design changes, or safeguards to prevent similar harm.

D. The Target Defendants’ Obligations, Knowledge of Risks and Conscious Disregard for Safety

55. Prior to April 2022, the Target defendants knew that products containing Chuckle & Roar™ water beads posed a substantial risk of serious bodily injury or death to children if

inhaled or ingested.

56. The Target defendants knew that water beads were made from superabsorbent polymers capable of expanding dramatically inside the body, and that similar products had already caused injuries and deaths in young children.

57. The Target defendants were not merely passive retailers of the Chuckle & Roar™ Ultimate Water Beads Activity Kit. Target was the importer of record for the product, and the Target defendants maintained internal product safety, quality, regulatory, product investigation, and product removal processes concerning products they imported, sold, distributed, or removed from their shelves.

58. At all relevant times, the Target defendants retained authority concerning the sale, distribution, safety review, product investigation, removal, return, destruction, and recall-related handling of the product.

59. At all relevant times, the Target defendants retained authority and control over the investigation, removal, return, destruction, customer safety notification and recall-related handling of the Chuckle & Roar™ Ultimate Water Beads Activity Kit.

60. At all relevant times, when a claim was made or when the Target defendants had reason to believe that goods contained defects or hazards that could create a substantial risk of injury to any person, the Target defendants could remove the goods from sale or distribution, reject the goods, revoke prior acceptance, destroy or return the goods, and require the vendor to provide documents and information needed to investigate the hazard.

61. The Target defendants knew, or should have known, that regulatory compliance alone did not eliminate the need to evaluate foreseeable hazards, including the risk that water beads could be ingested or inhaled by infants, toddlers, or young children and expand inside the body

before detection.

62. Despite this knowledge, the Target defendants made a deliberate decision to market and sell Chuckle & Roar™ water beads as a children's toy.

63. The Target defendants knew or should have known of the product's ingestion, aspiration, choking, intestinal obstruction, and airway obstruction hazards, yet failed to adequately investigate, assess, or act upon those hazards before offering the product for sale. The Target defendants further failed to warn consumers that the water beads were capable of expanding inside the body and causing fatal internal injuries if ingested or inhaled.

64. The Target defendants specifically marketed the product to parents of children with sensory development needs, including children on the autism spectrum. They identified these families as a target demographic and viewed them as a profitable segment for generating millions in revenue.

65. At the time they began selling products containing Chuckle & Roar™ water beads, the Target defendants were aware that substantially similar water bead toys had been subject to CPSC recalls in 2012 and 2013 due to injuries and deaths in children.

66. The Target defendants should have known that water beads were originally developed for agricultural use to retain soil moisture, not for use in household environments or around children.

67. The Target defendants failed in their duty to perform basic safety assessments after receiving reports of incidents involving serious injuries to children, despite clear notice of the hazards, reflecting a conscious disregard for consumer safety and a willingness to prioritize sales over the safety of children.

E. Prior Incident Involving Minor J.B. – August 2022

68. On or about April 11, 2022, Elissa Byer purchased a Chuckle & Roar™ 2-in-1 Seek & Write Sensory Bin from a Target store located in Las Vegas, Nevada. The product, sold exclusively at Target stores and on Target.com, included water beads intended for children ages 3 and up.

69. Ms. Byer purchased the product for her three-year-old daughter, L.B., who used it while supervised at the family's home. Unbeknownst to the family, an unhydrated water bead had been brushed into the sand compartment during cleanup.

70. On or about August 16, 2022, Ms. Byer's one-year-old son, J.B., accessed the bin while L.B. was playing nearby and inhaled a single water bead. The bead entered J.B.'s left lung and blocked his airway. That evening, J.B. began vomiting and experienced diarrhea. Believing it to be a gastrointestinal issue, the family monitored him at home.

71. On August 18, 2022, J.B.'s condition worsened. He became pale, his breathing deteriorated, and he lost consciousness. He was rushed to the emergency department, where medical personnel were unable to obtain an oxygen reading. Imaging revealed a collapsed left lung caused by an obstructive mass.

72. J.B. was taken into surgery that night. Surgeons identified a single water bead obstructing the lung. When removal was attempted, the bead disintegrated into a gel-like substance, coating the lung and complicating removal. The water bead had expanded inside J.B.'s airway, causing respiratory collapse and a life-threatening emergency.

73. On August 26, 2022, Ms. Byer contacted the Target defendants by phone and later submitted a report to the U.S. Consumer Product Safety Commission (Report No. 20230103-212D1-2147351681). She also emailed the Target defendants and Buffalo Games with details and

documentation, including images and medical information.

74. In a September 2, 2022 email to Target, Ms. Byer wrote that: “I’ve spoken already to 2 representatives with Target via phone and have received (all be it [*sic*] canned and pretty impersonal) response from Chuckle and Roar’s product support email.”

75. In that email, Ms. Byer informed Target that her 18-month-old child had somehow gotten ahold of one water bead and inhaled it, and that “over the course of a few days it grew inside his left lung eventually causing an entire blockage.”

76. She also reported that, during surgery to remove the water bead, “it coated his lung with a gel that they couldn’t remove completely.”

77. Ms. Byer further explained that her child had to be admitted to the pediatric intensive care unit (ICU) and that “had the bead rehydrated an inch higher it would have closed his airway completely.”

78. She added, “if she had put him to bed that night thinking he just felt a little off he would have died in his sleep, or at least had some long lasting damage from lack of oxygen.”

79. Ms. Byer wrote: “I wanted to share our story because I don’t EVER want this to happen to anyone else. We were lucky, but other kids might not be and I know your company—who makes great toys—wouldn’t want to have that on your hands.”

80. She also stated: “I never in a million years saw this threat. I don’t want this to happen again.”

81. In the same email, Ms. Byer wrote that while water beads are a “fun cool sensory toy but man, they have such a hidden danger.”

82. She also notified Target that her research revealed she had “found THOUSANDS of kids who have lost sections of their intestines, had stomach surgery, emergency removals.”

83. Ms. Byer added: “I just hope in sharing our story, your company finds other cool safer ways to continue making toys that don’t involve these little things, maybe consider the packaging warning’s [sic], noting aspiration as an added danger.”

84. She further wrote that the Chuckle & Roar™ water beads are “very very tiny - I’ve attached a photo of one we found in our home after the accident before tossing the kit in the trash.”

85. In this email, Ms. Byer also wrote to the Target defendants: “At the end of the day I REALLY REALLY just want to see some labeling changes – Aspiration is a serious risk, swallowing and causing stomach/intestinal damage is a serious risk. The only risk with this toy isn’t just Choking on the smaller objects like the gems or the bugs.”

86. On September 5, 2022, the Target defendants responded to Ms. Byer’s email with an email stating:

Thank you for your prompt reply to our request. We appreciate your help with all the extra details.

Sincerely,

Gerald
Target Guest Relations
www.target.com

87. At the time of purchase and use, the product failed to warn consumers that a single bead could expand in the lungs, cause airway obstruction, and require emergency surgery. J.B. never used the product himself. It was used by an older sibling within the intended age range, and it was stored in accordance with instructions.

88. The Byer incident was reported directly to the Target defendants. The Target defendants knew or should have known that the product posed a risk of life-threatening injury to young children through secondary exposure, even when used as intended.

89. The Target defendants' own internal process treated the Byer incident as a potential safety hazard. The Target defendants reported the incident to the Consumer Product Safety Commission through the Retailer Reporting Program and sent a vendor notification to Buffalo Games advising that Target had identified a potential safety hazard or alleged risk of injury, illness, or death involving the product.

90. After receiving and internally processing the Byer incident, the Target defendants took no actions to prevent future incidents, including the death of Esther Jo Bethard. Target failed to notify prior purchasers, failed to issue any safety bulletin, failed to send any direct warning to known purchasers, failed to provide a post-sale warning, and failed to issue a timely recall to inform consumers of the hidden danger in their homes.

F. Prior Incident Involving Minor K.M. – November 2022

91. On October 24, 2022, Folichia Mitchell purchased a Chuckle & Roar™ Ultimate Water Bead Activity Kit, the same product purchased by plaintiffs, from a Target store located in New Hampshire. The product contained over 10,000 water beads and was marketed as a sensory toy appropriate for children. Mrs. Mitchell purchased the kit for her 8-year-old son, who is on the autism spectrum, to support his sensory development.

92. At no time did Mrs. Mitchell or her husband, David Mitchell, directly or intentionally give any of the water beads to their younger child, K.M., who was under the age of three. The product was used by the older child only, under adult supervision.

93. On November 1, 2022, K.M. began experiencing unexplained vomiting, discomfort, and lethargy. She was taken to York Hospital in York, Maine, and then urgently transferred to Barbara Bush Children's Hospital in Portland for a higher level of care. Medical imaging revealed a complete bowel obstruction.

94. That same day, K.M. underwent emergency surgery. Surgeons discovered a single Chuckle & Roar™ water bead lodged in her intestines. The water bead had expanded after ingestion, causing complete intestinal blockage.

95. Due to the severe internal damage caused by the water bead, K.M. developed sepsis, went into critical condition, and nearly died. She required at least five bowel surgeries, including procedures to remove necrotic sections of her intestines. She was placed on a ventilator due to respiratory failure, required intravenous nutrition, and had an abdominal silo bag implanted to preserve her remaining bowel.

96. K.M. remained hospitalized for 28 days. She was discharged on November 29, 2022, but continued to require daily nasogastric tube feedings at home.

97. At the time of sale, the product contained no adequate warnings about the risks of ingestion or the potential for water beads to expand inside the body and cause life threatening obstructions. The packaging also failed to adequately warn that similar incidents involving serious injury and death had already been reported in connection with water beads.

98. On or about November 7, 2022, after her daughter nearly died, Folicbia Mitchell returned to the Target retail store and reported the incident to Target. At the time, a guest incident report was generated and it was noted that Ms. Mitchell reported:

WARNING?? Product is not labeled properly and these are less a choking [sic] hazard but a very serious danger if ingested ?? My daughter is fighting for her life because this product was not labeled properly.

99. The Target defendants also treated the Mitchell incident as a product safety issue. On or about November 7, 2022, Target notified Buffalo Games, Inc. (“Buffalo Games”) that Target had reported a safety hazard or potential safety hazard involving the Ultimate Water Beads Activity

Kit to the CPSC.

100. On November 17, 2022, following the Mitchell incident, Buffalo Games contacted Target and notified Target that Buffalo Games had decided to stop sales of the product because of the risk of injury associated with the product. In turn, on the following day, November 18, 2022, the Target defendants proceeded with a market withdrawal, hardlock, and safety removal of the Ultimate Water Beads Activity Kit from Target's store shelves.

101. The Target defendants' hardlock process prevented the product from being purchased at Target registers.

102. Despite silently removing a dangerous product from store shelves that had caused serious harm to children, and despite the opportunity and ability to do so, the Target defendants took no steps whatsoever to warn families who had already purchased the product and still had water beads in their homes of the serious and hidden dangers associated with the product.

G. The Target Defendants Failed to Timely Notify Purchasers of Known Post-Sale Hazards

103. By no later than September 2022, the Target defendants had actual knowledge that Chuckle & Roar™ products containing water beads posed a life-threatening risk to young children if swallowed or inhaled.

104. At all relevant times, the Target defendants collected consumer purchase and contact information at the time of sale and through its "Target Circle" program, and had the ability to contact consumers, including plaintiffs, by phone, mail, email, and through Target's smart phone application. Target further had the ability to communicate with consumer through posts on its own website, through ads in local and national publications and through other websites.

105. At all relevant times, plaintiffs were members of the Target defendants' "Target Circle" program and Target had their contact information and purchase history. Target has

contacted plaintiffs via email on hundreds of occasions, if not more.

106. At all relevant times, the Target defendants had the authority to act before a formal CPSC recall. Once a claim was made, or once Target had reason to believe that goods supplied by Buffalo Games contained defects or hazards that could create a substantial risk of injury to any person, the Target defendants had the duty and authority to remove the product from sale or distribution, reject or revoke acceptance of the product, require Buffalo Games to provide documents and information needed to investigate the hazard, and take action through the Target defendants' product investigation, recall, and market withdrawal processes.

107. Despite that authority and exclusive ability, after the Byer incident, after the Mitchell incident, and after the November 18, 2022 hardlock and safety removal, the Target defendants failed to use their contractual authority, operational safety processes, and customer notification systems to warn families who had already purchased the product and still had dangerous water beads in their homes.

108. At all relevant times, the Target defendants had the ability to contact known purchasers of products, including plaintiffs, by phone, mail, email, Target app push notification, or other direct consumer notification methods to notify consumers of dangerous products that have been recalled or removed from store shelves. The Target defendants also had the ability to identify and communicate with at least some known purchasers of products by posting warnings in their retail stores.

109. Despite that ability to do so, the Target defendants did not notify known purchasers when the Ultimate Water Beads Activity Kit was removed from sale on November 18, 2022. The Target defendants' practice was to not notify consumers of a product safety hazard unless and until a formal recall was issued which did not occur until months later, after Esther Jo's death.

110. Because the Target defendants failed to warn or notify known purchasers after the Byer incident, after the Mitchell incident, and after the November 2022 safety removal, dangerous water beads remained in family homes, including the Bethard home, without any warning to parents or caregivers of the serious hidden danger of injury or death.

111. In response to direct knowledge of their sale of a deadly product, the Target defendants did not issue a safety bulletin. They did not contact known purchasers. They did not publish alerts on their website or in stores. They did not update the product labeling or instructions. They did not otherwise warn families who already had Chuckle & Roar™ water beads in their homes.

112. The Target defendants' knowledge of the Byer and Mitchell incidents gave them a clear opportunity, and a legal obligation, to warn consumers who had already purchased Chuckle & Roar™ products containing water beads of the danger.

113. Instead, the Target defendants took no action and allowed previously sold dangerous products to remain in homes, despite actual knowledge that a single water bead could cause serious injury or death if ingested or inhaled.

114. Despite having actual knowledge and notice of the substantial risk of injury and death posed by Chuckle & Roar™ products containing water beads, including those contained in the Activity Kit sold to plaintiffs and other consumers, and despite removing the product from store shelves because of a safety concern, the Target defendants failed to warn or notify consumers that the product posed a serious risk of injury or death if inhaled or ingested.

115. As a direct and proximate result of the Target defendants acts and/or omissions, Esther Jo's family received no warning that there was a deadly product in their home that Target knew had already seriously harmed other children.

116. Had the Target defendants timely warned purchasers of Chuckle & Roar™ products containing water beads, including families like the Bethards, Esther Jo's death could have been avoided.

117. The Bethards had no reason to believe a single stray bead, left behind from prior, supervised play, could and would ultimately kill their child.

118. Had the Target defendants acted reasonably instead of negligently and recklessly, and had they issued a timely and reasonable post-sale warning, Esther Jo would still be alive. Her death was entirely preventable by defendants.

119. The Target defendants' negligent, reckless, and intentional failure to notify known purchasers of the hazard, after receiving direct evidence of life-threatening harm to children, represents a deliberate disregard for the safety of children and a gross failure of corporate responsibility.

H. CPSC Recall of Chuckle & Roar™ Ultimate Water Beads Activity Kits

120. On or about September 14, 2023, and as a direct and proximate result of Esther Jo Bethard's preventable death, the CPSC announced a nationwide recall of approximately 52,000 Chuckle & Roar™ Ultimate Water Beads Activity Kits due to ingestion, choking, and obstruction hazards.¹⁷

121. According to the CPSC, if a water bead is ingested, it expands inside a child's body and can cause intestinal obstruction, resulting in severe discomfort, vomiting, dehydration, and a risk of death.

¹⁷ The CPSC Recall Notice is also available at: <https://www.cpsc.gov/Recalls/2023/Buffalo-Games-Recalls-Chuckle-Roar-Ultimate-Water-Beads-Activity-Kits-Due-to-Serious-Ingestion-Choking-and-Obstruction-Hazards-One-Infant-Death-Reported-Sold-Exclusively-at-Target>, last visited June 30, 2026).

122. The recall came too late to save Esther. It was issued only after her death was reported to the CPSC along with the prior incident involving 9-month-old K.M., who suffered serious injuries after ingesting a Chuckle & Roar™ water bead.

123. The recalled Chuckle & Roar™ Ultimate Water Beads Activity Kits were manufactured in China and imported into the United States by Target Corporation, headquartered in Minneapolis, Minnesota.

124. The recalled product was sold exclusively at Target retail stores nationwide and on Target.com between March 2022 and November 2022 for approximately \$15.00.

125. As part of the recall, consumers were instructed to immediately stop using the recalled water bead kits and to keep the product out of reach of children. The recall remedy offered a full refund and provided instructions for returning the product via prepaid mail or in person at any Target store.

126. The Target defendants could and should have offered the same warning and instruction to consumers at the time they stopped selling the Activity Kit.

IV. CAUSES OF ACTION

AS AND FOR A FIRST CAUSE OF ACTION - NEGLIGENCE

**TAYLOR RAE BETHARD, as Trustee for the heirs and next of kin of ESTHER
JOHANNA FAITH BETHARD, Deceased, V. TARGET CORPORATION,
TARGET.COM, TARGET SOURCING SERVICES LLC, TARGET ENTERPRISE,
INC., AND TARGET GENERAL MERCHANDISE, INC.**

127. Plaintiffs incorporate by reference all paragraphs of this Complaint as if set forth at length.

128. At all relevant times, the Target defendants had actual and/or constructive notice, that the subject Chuckle & Roar™ water beads were dangerous, hazardous, and not reasonably safe for their intended purpose and foreseeable use by or around young children.

129. At all times material hereto, the Target defendants, and/or their agents, servants, or employees, owed a duty of reasonable care to plaintiffs, the minor children, and Esther Jo.

130. That duty included a continuing post-sale duty to warn purchasers and foreseeable users once the Target defendants knew or reasonably should have known that the Activity Kit containing Chuckle & Roar™ water beads posed a substantial risk of serious injury or death to infants, toddlers, and young children, and once the Target defendants were in a position to provide warnings, remove the product from sale, or otherwise take reasonable corrective action.

131. At all times material hereto, the Target defendants breached that duty of reasonable care.

132. The Target defendants failed to exercise reasonable care to avoid an unreasonable risk of harm to persons likely to be exposed to or come into contact with the Activity Kit containing Chuckle & Roar™ water beads, which they knew or should have known could seriously injure or kill babies, toddlers, or children if ingested or inhaled.

133. The Target defendants were careless, negligent, grossly negligent, reckless, and acted with deliberate disregard for the safety of consumers, including plaintiffs, the minor children, and decedent Esther Johanna Faith Bethard, in one or more of the following ways:

- (a) Failing to respond to, evaluate, or adequately act upon complaints or incident reports involving Chuckle & Roar™ products containing water beads;
- (b) Failing to respond to, evaluate, or adequately act upon complaints received in or about August and September 2022 from the Byer family and later from the Mitchell family, both of whom reported serious injuries involving Chuckle & Roar™ products containing water beads;
- (c) Failing to issue a timely recall or otherwise initiate timely corrective action despite actual notice of life-threatening risks posed by the product;
- (d) Failing to remove the product from Target store shelves and Target.com in a timely manner;

- (e) Failing to timely notify consumers who had already purchased the product that it was defective, dangerous, and posed a serious risk of injury or death to young children;
- (f) Failing to conduct adequate post-sale monitoring of adverse events or incidents involving ingestion or inhalation of the product;
- (g) Failing to take reasonable post-sale steps to reduce or prevent harm to consumers after learning that the product posed a serious danger to children; and
- (h) Failing to use Target's own product investigation, recall, market withdrawal, hardlock, and safety removal processes to protect consumers and warn known purchasers, including plaintiffs, after the Target defendants knew or had reason to believe that Chuckle & Roar™ products containing water beads posed a substantial risk of injury or death to young children.

134. The aforementioned acts and omissions by the Target defendants were not only negligent but also grossly reckless and undertaken with deliberate disregard for the safety and lives of consumers, including infants and toddlers such as Esther Jo Bethard.

135. As a direct and proximate result of the negligence and recklessness of the Target defendants, Esther Jo Bethard ingested one or more water beads that caused fatal internal injuries.

136. As a direct and proximate result of the negligence and recklessness of the Target defendants, plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard suffered the death of their daughter. The minor children suffered the death of their sister. Plaintiffs suffered severe emotional trauma and other damages, as set forth in this Complaint.

137. The Target defendants are vicariously liable for the acts and omissions of their agents, employees, and representatives who were involved in the investigation, stop sale, consumer notification, recall, and policymaking decisions related to the Activity Kit containing Chuckle & Roar™ water beads, all of whom acted within the course and scope of their employment or agency.

138. The accident, personal injuries and the death of decedent Esther Johanna Faith

Bethard were caused by the conduct of the Target defendants, and without any negligence on the part of plaintiffs.

139. The actions and/or inactions of the Target defendants as set forth herein represent conduct that is wanton and reckless, morally reprehensible, outrageous and deliberately indifferent to the health, safety and rights of others, including consumers and their children, and in particular decedent Esther Johanna Faith Bethard, and warrant the imposition of punitive damages against the Target defendants.

140. By reason of the foregoing, decedent Esther Jo Bethard was caused to and did sustain grievous pre-death conscious pain and suffering and serious personal injuries resulting in her untimely death.

141. At the time of her death, decedent Esther Jo Bethard left her surviving family, kin and heirs at law for whose benefit this action is commenced.

142. Prior to her death, decedent Esther Jo Bethard was a healthy child, and by virtue of her wrongful death caused by the Target defendants, her family was deprived of her comfort, society and support, and they have been otherwise pecuniarily damaged as a result of the aforesaid wrongful death of decedent Esther Jo Bethard.

143. By reason of the death of decedent Esther Jo Bethard, it became necessary to bury her remains, an obligation incurred by plaintiffs, who will incur additional administrative and other expenses in the settlement of the Estate of decedent Esther Jo Bethard.

144. The acts complained of herein by the Target defendants were done in deliberate disregard of the rights and safety of others including plaintiffs and decedent Esther Jo Bethard for which compensatory and punitive damages should be assessed in a sum to be determined by the trier of fact.

AS AND FOR A SECOND CAUSE OF ACTION - WRONGFUL DEATH CLAIM

TAYLOR RAE BETHARD, as Trustee for the heirs and next of kin of ESTHER JOHANNA FAITH BETHARD, Deceased, V. TARGET CORPORATION, TARGET.COM, TARGET SOURCING SERVICES LLC, TARGET ENTERPRISE, INC., AND TARGET GENERAL MERCHANDISE, INC.

145. Plaintiffs incorporate by reference all paragraphs of this Complaint as if set forth at length.

146. On or about July 7, 2023, as a direct and proximate result of the conduct of the Target defendants, as detailed throughout this Complaint, plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard's minor daughter, Esther Jo Bethard, tragically died after ingesting a Chuckle & Roar™ water bead from the defective and unreasonably dangerous Activity Kit.

147. Esther Jo Bethard required emergency medical intervention and hospitalization but ultimately succumbed to injuries caused by ingestion of a Chuckle & Roar™ water bead from the defective and unreasonably dangerous Activity Kit.

148. Plaintiff Taylor Rae Bethard, as Trustee for the heirs and next of kin of Esther Johanna Faith Bethard, deceased, brings this wrongful death cause of action pursuant to Minn. Stat. § 573.02 for the benefit of Esther Jo Bethard's surviving next of kin, seeking damages and pecuniary losses sustained as a result of Esther Jo's death due to the Target defendants' wrongful conduct.

149. As a result of the Target defendants' negligent and deliberate disregard for the health, safety and rights of decedent Esther Jo Bethard, punitive damages should be assessed against the Target defendants in a sum to be determined by the trier of fact.

150. As a result of the Target defendants' negligent, reckless, and unlawful actions and omissions, Esther Jo Bethard's surviving next of kin have suffered loss of services, society, care,

comfort, guidance, assistance, and support, and have sustained pecuniary losses as a result of her death.

151. Plaintiff Taylor Rae Bethard, as Trustee, seeks all damages recoverable under Minnesota law, including but not limited to funeral expenses, medical expenses, loss of consortium, damages for the conscious pain, suffering, distress, and the emotional trauma Esther Jo Bethard endured before her death, and any and all pecuniary losses.

AS AND FOR A THIRD CAUSE OF ACTION - SURVIVAL CLAIM

TAYLOR RAE BETHARD, as Trustee for the heirs and next of kin of ESTHER JOHANNA FAITH BETHARD, Deceased, V. TARGET CORPORATION, TARGET.COM, TARGET SOURCING SERVICES LLC, TARGET ENTERPRISE, INC., AND TARGET GENERAL MERCHANDISE, INC.

152. Plaintiffs incorporate by reference all paragraphs of this Complaint as if set forth at length.

153. Plaintiff Taylor Rae Bethard, as Trustee for the heirs and next of kin of Esther Johanna Faith Bethard, deceased and plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard, as personal representatives of the Estate of Esther Johanna Faith Bethard, bring this survival cause of action on behalf of decedent Esther Jo Bethard, for personal injuries and damages she sustained prior to her death as a result of the Target defendants' wrongful conduct, including their negligence and recklessness.

154. By reason of the foregoing, decedent Esther Jo Bethard endured conscious pain, suffering, distress, and emotional trauma as a direct result of ingesting a Chuckle & Roar™ water bead from the defective and unreasonably dangerous Activity Kit, which ultimately led to her death.

155. These injuries and Jo Bethard's subsequent death were the direct and proximate result of the Target defendants' actions, inactions and omissions in failing to timely notify

consumers, including plaintiffs, of their sale and subsequent stop sale of a defective and deadly product.

156. As a result of the Target defendants' negligent and deliberate disregard for the health, safety and rights of decedent Esther Jo Bethard, compensatory and punitive damages should be assessed against the Target defendants in a sum to be determined by the trier of fact.

**AS AND FOR A FOURTH CAUSE OF ACTION – NEGLIGENT/INTENTIONAL
INFLICTION OF EMOTIONAL DISTRESS**

TAYLOR RAE BETHARD, individually and as parent and natural guardian of L.R.B., L.E.G.B., J.M.B., and E.O.B., minors, and TYLER JOSEPH BETHARD, individually and as parent and natural guardian of L.R.B., L.E.G.B., J.M.B., and E.O.B., minors, V. TARGET CORPORATION, TARGET.COM, TARGET SOURCING SERVICES LLC, TARGET ENTERPRISE, INC., AND TARGET GENERAL MERCHANDISE, INC.

157. Plaintiffs incorporate by reference all paragraphs of this Complaint as if set forth at length.

158. Plaintiffs Taylor Rae Bethard and Tyler Joseph Bethard bring this claim individually and on behalf of their four minor children, L.R.B., L.E.G.B., J.M.B., and E.O.B., all of whom resided in the same household with Esther Jo Bethard and were present in the home on the morning of July 7, 2023.

159. Plaintiffs Taylor and Tyler Bethard experienced the trauma of discovering their daughter ill and unresponsive, attempting to revive her, and ultimately losing her. They directly perceived the injury and death of their ten-month-old child, Esther Jo Bethard, and have suffered serious emotional and psychological harm as a result.

160. The minor children, L.R.B., L.E.G.B., J.M.B., and E.O.B., were also exposed to the immediate aftermath of discovering Esther unresponsive and lifeless. They witnessed their sister's lifeless body and observed their mother's efforts to resuscitate her, including performing CPR while awaiting emergency medical assistance.

161. These events occurred suddenly and without warning, inside the family home, involving the death of a sibling and child. The trauma unfolded in real time, leaving no opportunity to shield the family members or mitigate their exposure.

162. As a direct and foreseeable result of the Target defendants' negligent, grossly negligent, reckless, and deliberately indifferent conduct in failing to timely notify consumers, including plaintiffs of their sale and subsequent stop sale of a defective and deadly product, Esther Jo Bethard suffered fatal injuries, and her parents and siblings suffered severe emotional trauma from directly experiencing or perceiving the fatal consequences.

163. By reason of the foregoing, plaintiffs Taylor and Tyler Bethard, as well as minor plaintiffs, L.R.B., L.E.G.B., J.M.B., and E.O.B., have suffered ongoing symptoms of emotional distress, including anxiety, fear, sleep disturbances, and behavioral changes, and have required continued emotional support and care.

164. As a result of the Target defendants' negligent and deliberate disregard for the health, safety and rights of plaintiffs, compensatory and punitive damages should be assessed against the Target defendants in a sum to be determined by the trier of fact.

165. By reason of the foregoing, plaintiffs have suffered damages in an amount to be determined at trial, together with costs and disbursements of this action and such other and further relief as the Court may deem just and proper.

WHEREFORE, plaintiffs Taylor Rae Bethard, individually and as Trustee for the heirs and next of kin of Esther Johanna Faith Bethard, deceased, and as parent and natural guardian of L.R.B., L.E.G.B., J.M.B., and E.O.B., minors; and Tyler Joseph Bethard, individually and as parent and natural guardian of L.R.B., L.E.G.B., J.M.B., and E.O.B., minors, demand judgment in their favor and against the Target defendants as follows:

- (a) for reasonable compensatory damages in an amount greater than \$50,000;
- (b) for all damages recoverable under Minn. Stat. §§ 573.01 and 573.02, including but not limited to damages sustained by decedent Esther Johanna Faith Bethard prior to her death and the pecuniary loss suffered by her surviving next of kin;
- (c) for punitive damages, if said motion is granted against the Target defendants, and in such amount as the trier of fact shall find sufficient to punish the Target defendants and deter others from similar conduct;
- (d) for costs and disbursements of this action;
- (e) for reasonable attorney fees;
- (f) for pre-judgment and post-judgment interest as provided by law; and
- (g) for such other and further relief as the law shall provide and as the Court may deem just and proper.

JURY DEMAND

Plaintiffs hereby request a trial by jury on all claims and issues so triable.

Date: July 1, 2026

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