

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

JESSICA KRAFT, INDIVIDUALLY AND)
AS PARENT OF MINORS L.K., S.K., and)
O.K.; SHELLI SCHNEIDER,)
INDIVIDUALLY AND AS PARENT OF)
MINORS A.S. and W.S.; ANNE BAILEY,)
AS PARENT OF MINOR D.B.; AMY)
LAVELLE, AS PARENT OF MINORS)
Em.L. and El.L.; ELIZABETH BEATON,)
INDIVIDUALLY AND AS PARENT OF)
MINOR M.B.; AMANDA AND TYRELL)
FAUSKE, INDIVIDUALLY AND AS)
PARENTS OF MINORS C.R.F. and C.J.F.;)
JENNIFER REIN, INDIVIDUALLY; and)
JESSICA BERG, AS PARENT OF MINORS)
A.B. and S.B., individually and on behalf of)
all others similarly situated,)

Plaintiffs,)

v.)

ESSENTIA HEALTH, INNOVIS)
HEALTH, LLC d/b/a ESSENTIA)
HEALTH,)

Defendants.)

No. 3:20-CV-121

Hon. Peter D. Welte
Mag. Judge Alice R. Senechal

PLAINTIFFS’ MOTION TO CERTIFY CLASS

Plaintiffs Jessica Kraft, individually and as parent of Minors L.K., S.K., and O.K.; Shelli Schneider, individually and as parent of minors A.S. And W.S.; Amy Lavelle, as parent of minors Em.L. and El.L.; Elizabeth Beaton, individually and as parent of minor M.B.; Amanda and Tyrell Fauske, individually and as parents of minors C.R.F. and C.J.F.; Jennifer Rein, individually; and Jessica Berg, as parent of minors A.B. and S.B. (“Plaintiffs”), hereby respectfully move to certify this case as a class action under Federal Rule of Civil Procedure 23(a) and (b)(3).

Plaintiffs respectfully request that the Court certify Counts II (Implied Warranty), III (North Dakota and Minnesota Consumer Protection Laws), IV (Unjust Enrichment), and V (Negligence).

Plaintiffs further respectfully request that the Court certify the following Class:

All persons and health plans that paid, in whole or in part, for Affected Medications that were administered at Essentia Health or by Innovis Health, and all persons who were administered the Affected Medications at Essentia Health or by Innovis Health.

Or, in the alternative, Plaintiffs respectfully request that the Court certify the following Subclasses:

- (i) All persons and health plans that paid, in whole or in part, for Affected Medications that were administered at Essentia Health or by Innovis Health in North Dakota, and all persons who were administered the Affected Medications at Essentia Health or by Innovis Health in North Dakota.
- (ii) All persons and health plans that paid, in whole or in part, for Affected Medications that were administered at Essentia Health or by Innovis Health in Minnesota, and all persons who were administered the Affected Medications at Essentia Health or by Innovis Health in Minnesota.

Plaintiffs further respectfully request that the Court appoint them as class representatives, appoint undersigned counsel as class counsel under Rule 23(g)(1), and grant such other and further relief as it deems appropriate.

This motion is supported by the accompanying memorandum of law, declarations, exhibits, and expert reports.

Dated: September 19, 2025

Respectfully submitted,

/s/Michael von Klemperer

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