

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Bodunde v. Walgreens Boots Alliance, Inc.

Bodunde v. Walgreens Boots Alliance, Inc. · No. 1:24-cv-00985-JLT-SAB · Decided December 15, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in an action brought by Olabisi Bodunde and Monica Bolyard against Walgreens Boots Alliance, Inc. The court granted Walgreens’s motion to dismiss under Rules 9(b) and 12(b)(6), finding that the plaintiffs’ failure-to-warn theory was preempted and that their parallel state-law theories were insufficiently pleaded. The dismissal was with leave to amend within 30 days, while the remaining grounds for dismissal were denied as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 15, 2025
DOCKET	1:24-cv-00985-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	The district court conducted de novo review of a magistrate judge's findings and recommendations concerning Defendant's motion to dismiss the first amended complaint for lack of standing and failure to state a claim.
STANDARD OF REVIEW	De novo review under 28 U.S.C. § 636(b)(1)(C).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Olabisi Bodunde, Monica Bolyard v. Walgreens Boots Alliance, Inc.

TOPICS

- motions to dismiss
- standing
- pleadings
- fda regulation
- health law

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Plaintiffs adequately pleaded standing for claims based on alleged economic harm from the risk of benzoyl peroxide degradation.
2. Whether Plaintiffs' failure-to-warn and failure-to-disclose claims were preempted by the Food, Drug, and Cosmetic Act and the applicable over-the-counter acne-drug monograph.
3. Whether Plaintiffs adequately stated claims alleging that Defendant sold adulterated or misbranded products in violation of state duties parallel to the Food, Drug, and Cosmetic Act and current good manufacturing practices.
4. Whether the first amended complaint should be dismissed under Federal Rules of Civil Procedure 9(b) and 12(b)(6), with leave to amend.

HOLDINGS

1. Plaintiffs had standing to assert claims for economic harm based on the alleged risk of benzoyl peroxide degradation, although they failed to plead those claims sufficiently.
2. Claims based on a theory that Defendant failed to warn or disclose the risk of benzoyl peroxide degradation were categorically preempted by the Food, Drug, and Cosmetic Act, including the applicable over-the-counter acne-drug monograph.
3. Plaintiffs failed to adequately plead claims alleging that Defendant sold adulterated or misbranded products based on state duties parallel to the Food, Drug, and Cosmetic Act, the acne-drug monograph, and current good manufacturing practices.

KEY QUOTATIONS

“As noted by the Magistrate Judge, Plaintiffs have standing to assert claims for economic harm raised by the alleged risk of BPO degradation but fail sufficiently to do so.” (at 2)

“The motion to dismiss pursuant to Rules 9(b) and 12(b)(6) is GRANTED with leave to amend by not later than 30 days following service of this order.” (at 3)

FACTUAL BACKGROUND

Plaintiffs alleged that benzoyl peroxide products purchased from Walgreens were or could become contaminated with benzene through degradation. They asserted claims based on economic harm, failure to warn or disclose the risk of degradation, and the alleged sale of adulterated or misbranded products. The court found that Plaintiffs had standing to assert economic-harm claims based on the alleged risk of degradation but had not adequately pleaded the underlying product contamination or a failure to comply with current good manufacturing practices or parallel state duties.

PROCEDURAL HISTORY

Plaintiffs filed the action on March 26, 2024, and Defendant moved to dismiss the first amended complaint on November 25, 2024. The matter was referred to a magistrate judge, who recommended granting the motion on May 15, 2025. Plaintiffs objected, Defendant responded, and the district court adopted the findings and recommendations in full, granting dismissal under Rules 9(b) and 12(b)(6) with leave to amend within 30 days.

DISPOSITION

other

CASES CITED

- Navarro v. Walgreens Boots Alliance, Inc., No. 1:24-cv-00290-JLT-SAB
- Reyn's Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 n.6

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