

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ANASTASIA HAGERMAN, individually, and )  
NAOMI HAGERMAN, individually and on )  
behalf of STEVEN HAGERMAN, her deceased )  
minor child, )

Plaintiffs, )

vs. )

ABBOTT LABORATORIES, )

SERVE: )  
CT Corporation System )  
208 So. Lasalle Street, Suite 814 )  
Chicago, IL 60604 )

ABBOTT LABORATORIES, INC., )

SERVE: )  
CT Corporation System )  
208 So. Lasalle Street, Suite 814 )  
Chicago, IL 60604 )

MEAD JOHNSON & COMPANY, LLC, )

SERVE: )  
Illinois Corporation Service Company )  
801 Adlai Stevenson Drive )  
Springfield, IL 62703 )

and )

MEAD JOHNSON NUTRITION COMPANY, )

SERVE: )  
Illinois Corporation Service Company )  
801 Adlai Stevenson Drive )  
Springfield, IL 62703 )

Defendants. )

CASE NO.:

JUDGE:

COMPLAINT  
JURY TRIAL DEMANDED

## **PLAINTIFFS' COMPLAINT**

Plaintiffs hereby bring this Complaint against Defendants Abbott Laboratories, Abbott Laboratories, Inc., Mead Johnson & Company, LLC, and Mead Johnson Nutrition Company (collectively “Defendants”) and state and allege as follows:<sup>1</sup>

### **INTRODUCTION**

1. This action arises out of injuries suffered by premature infant twins, Plaintiff Anastasia Hagerman and decedent Steven Hagerman (together, the “Injured Infants”). The Injured Infants were given Defendants’ cow’s milk-based infant feeding products which caused the Injured Infants to develop necrotizing enterocolitis (“NEC”), a life-altering and potentially deadly disease that largely affects premature infants who are given cow’s milk-based feeding products. As a result, the Injured Infants were seriously injured, resulting in injurious long-term health impacts on Anastasia Hagerman, the injury and death of decedent Steven Hagerman, and harm to the Injured Infants’ parent (“Plaintiff Parent”).

2. Plaintiffs bring this cause of action against Defendants to recover for injuries and harm that are the direct and proximate result of the Injured Infants’ consumption of Defendants’ unreasonably dangerous cow’s milk-based infant feeding products.

### **PARTIES**

3. Plaintiff Anastasia Hagerman is a natural person and adult who is domiciled in and a citizen of the State of West Virginia.

4. Plaintiff Naomi Hagerman is a natural person and adult who is domiciled in and a citizen of the State of West Virginia. Plaintiff Naomi Hagerman is the natural mother of Anastasia

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<sup>1</sup> The allegations in this Complaint are made upon personal knowledge as to Plaintiffs’ own acts and experiences and upon information and belief, including investigation conducted by Plaintiffs’ attorneys.

Hagerman and decedent Steven Hagerman. Plaintiff Naomi Hagerman brings this suit in her personal capacity and on behalf of her deceased minor child.

5. Defendant Abbott Laboratories was at all times material hereto and is now a corporation duly organized, incorporated, and existing under the laws of the State of Delaware with its principal place of business and headquarters in the State of Illinois and is thus a resident, citizen and domiciliary of Delaware and Illinois.

6. Defendant Abbott Laboratories, Inc. was at all times material hereto and is now a corporation duly organized, incorporated, and existing under the laws of the State of Delaware with its principal place of business and headquarters in the State of Illinois and is thus a resident, citizen and domiciliary of Delaware and Illinois.

7. Defendants Abbott Laboratories and Abbott Laboratories, Inc. (collectively, “Abbott”) manufacture, design, formulate, prepare, test, provide instructions for, market, label, package, sell, and/or place into the stream of commerce in all fifty states, including Ohio, premature infant formula including Similac Human Milk Fortifier, Similac Special Care, Similac NeoSure, and Liquid Protein Fortifier. At all material times hereto, Abbott solely or jointly designed, developed, formulated, prepared, manufactured, provided instructions for, packaged, labeled, promoted, marketed, distributed and/or sold Similac products specifically targeting medical providers and parents of preterm infants, including but not limited to Liquid Protein Fortifier, Similac NeoSure, Similac Human Milk Fortifier, and “Similac Special Care Formulas” such as Similac Special Care 20, Similac Special Care 24, Similac Special Care 24 High Protein, and Similac Special Care 30.

8. Defendants Abbott advertise that it provides the “#1 Formula Brand, Backed by Science” and claims to have “over 90 years of innovations” in infant formula.

9. Defendants Mead Johnson & Company, LLC, and Mead Johnson Nutrition Company (“collectively Mead”) are companies based in Illinois that manufacture, design, formulate, prepare, test, provide instructions for, market, label, package, sell, and/or place into the stream of commerce in all fifty states, including Ohio, premature infant formula including Enfamil and Enfamil Human Milk Fortifiers, including Enfamil A+, Enfamil NeuroPro, Enfamil Enspire, and EnfaCare Powder.<sup>2</sup>

10. Mead Johnson Nutrition Company was at all times material hereto and is now a corporation duly organized, incorporated, and existing under the laws of the State of Delaware with its principal place of business and global headquarters in the State of Illinois and is thus a resident, citizen, and domiciliary of Delaware and Illinois.

11. Mead Johnson & Company, LLC was at all times material hereto and is now a limited liability company duly organized and existing under the laws of the State of Delaware with its principal place of business and headquarters in the State of Illinois. Mead Johnson & Company’s sole member is Mead Johnson Nutrition Company and thus is a resident, citizen, and domiciliary of Delaware and Illinois.

12. Mead Johnson Nutrition Company self-proclaims to be recognized as “a world leader in pediatric nutrition” and traces its history back to the company’s founding in 1905 by Edward Mead Johnson, Sr. It claims to be the “only global company focused primarily on infant and child nutrition” and that its “singular devotion has made our flagship ‘Enfa’ line the leading infant nutrition brand in the world.” Boasting “more than 70 products in over 50 countries,” it claims that its “products are trusted by millions of parents and healthcare professionals around the

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<sup>2</sup> Defendants’ premature infant formula products at issue are collectively referred to herein as “Cow’s Milk Products.”

world.” It is this trust that Defendants Mead have intentionally exploited for their own pecuniary gain at the expense of vulnerable families throughout the United States and the world.

### **JURISDICTION AND VENUE**

13. This is an action for damages which exceed the sum of \$75,000.00, exclusive of costs, interest, and attorneys’ fees.

14. This Court has jurisdiction over this case pursuant to 28 U.S.C. §1332, as complete diversity exists between Plaintiffs and the Defendants, and the matter in controversy, exclusive of interest and costs, exceeds the sum or value of \$75,000.00.

15. This Court has personal jurisdiction over Defendants because Defendants are authorized to conduct business and do conduct business in the State of Ohio, purposefully direct and/or directed their actions toward and/or within Ohio, and this action is related to the actions and/or inactions of Defendants in Ohio. Moreover, Defendants’ actions and/or inactions described herein were purposefully directed at and/or within the State of Ohio, the damages were sustained by Plaintiffs within the State of Ohio, and the damages sustained by Plaintiffs were a result of Defendants’ actions and/or inactions, described herein, that were purposefully directed at and/or within the State of Ohio. Further, Defendants have marketed, promoted, distributed, and/or sold their products described herein in the State of Ohio. Defendants have sufficient minimum contacts with this state and/or sufficiently avail themselves of the markets in the state through their promotion, sales, distribution, and marketing within this state to render exercise of jurisdiction by this Court permissible.

16. Venue of this action is proper in this Court pursuant to 28 U.S.C. §1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs’ claims occurred in this judicial district.

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