

BREAKING: Ill. Jury Adds \$17M Punitive Award To Baby Formula Verdict

By **Lauraann Wood**

Law360 (April 10, 2026, 2:54 PM EDT) -- Illinois jurors on Friday slapped another \$17 million in punitive damages atop the \$53 million they awarded the previous afternoon to four mothers who accused Abbott Laboratories of selling preterm infant formula that contributed to a serious and often fatal gut condition their babies developed.

The Cook County jury heard roughly an hour of argument and deliberated for about two hours before ultimately delivering the award in lawsuits brought by Antonia Mendez, Eboni Williams, Casie Thompson and Kara Sharpe.

The second damages installment comes a day after the jury allocated \$15 million to Mendez, \$15 million to Williams, \$7 million to Thompson and \$16 million to Sharpe for the negligence, failure to warn, and product defect claims the mothers brought on behalf of their minor children, who were diagnosed with necrotizing enterocolitis shortly after being fed Abbott's Similac Special Care 24 formula as infants.

All four children survived but have suffered long-term side effects from the condition, and three of the babies had required surgery on their bowels in the weeks after they were born.

Over the course of a roughly four-week trial, attorneys for the plaintiffs argued they **never would have agreed** to their infants being fed Abbott's formula had they been informed of the risk of NEC associated with its consumption.

Abbott has denied that its formula is unsafe, but was unable to convince the jury that the infants had other risk factors that predisposed them to developing NEC, including being born prematurely at extremely low weights. The formula doesn't cause NEC, but rather, breast milk is protective against it, according to the company.

Cook County Circuit Judge John Ehrlich allowed the plaintiffs to pursue punitive damages after the jury delivered its compensatory verdict Thursday, saying there is evidence that Abbott concealed the risk of illness associated with its formula from both the public and its regulators.

The judge also had choice words Thursday for comments made on the stand by Abbott's expert witness, Dr. Jill Maron, a neonatal physician who testified at trial that she thought it would be "cruel" to discuss the risk of NEC with frightened mothers, according to the judge. Not only does her position make no sense, as doctors discuss scary risks with patients all the time, but it buys into the "sexist trope" that women are too emotional to handle challenging facts, the judge said.

The jury's Friday decision bookends the first NEC trial to go to verdict in Illinois. However, Abbott and Mead Johnson, the maker of the cow's milk-based Enfamil, are defending thousands of similar state court suits, and cases that have gone to verdict elsewhere have yielded mixed results.

Mead Johnson, for instance, lost its first trial with **a \$60 million verdict** in March 2024. In July that same year, **a Missouri jury** awarded \$95 million in compensatory damages and \$400 million in punitive damages over bellwether claims that Abbott's baby formula caused a premature baby to suffer NEC.

A few months later, **a St. Louis jury cleared** Abbott and Mead of liability in the companies' first joint

trial over claims their baby formula caused NEC. But a judge later **vacated that verdict** and ordered a new trial last year, saying the defense "intentionally violated the court's orders and rulings by improperly introducing the inadmissible evidence to the jury, time after time."

Both companies also face multidistrict litigation in federal court, where Abbott has fared well so far. In October, an Illinois federal judge gave the company its **third bellwether win** in the initial slate of four bellwether cases in the MDL, saying the company successfully demonstrated that the plaintiff's proffered human-milk-based alternative would not be feasible.

The plaintiffs are represented by Ashley Keller, Ben Whiting, Amelia Frenkel and Jamie Price of Keller Postman LLC, and Sean Grimsley, Kenzo Kawanabe, Abigail Hinchcliff and Samara Hoose of Olson Grimsley Kawanabe Hinchcliff & Murray LLC.

Abbott Laboratories is represented by Hariklia Karis, Richard U.S. Howell and Britt Cramer of Kirkland & Ellis LLP and Stephen V. D'Amore, Bryce A. Cooper, Matt Saxon and Michael J. Trucco of Winston & Strawn LLP.

The cases are Mendez v. Abbott Laboratories, case number 2022-L-005377, Williams v. Abbott Laboratories, case number 2022-L-005401, Thompson v. Abbott Laboratories, case number 2022-L-005393 and Sharpe v. Abbott Laboratories, case number 2022-L-005381, in the Circuit Court of Cook County, Illinois.

--Additional reporting by Celeste Bott. Editing by Drashti Mehta.