No. _____

IN THE

Supreme Court of the United States

MEAD JOHNSON & COMPANY, LLC AND MEAD JOHNSON NUTRITION COMPANY,

Petitioners,

v.

CLARISSA GREEAR, ON BEHALF OF HERSELF AND HER MINOR CHILD B.H., ET AL.,

Respondents.

On Petition for a Writ of Certiorari to the Illinois Appellate Court, Fifth District

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Petitioners manufacture critical life-saving nutrition products for preterm infants in neonatal intensive care units. The Respondents that are the subject of this Petition are 51 plaintiffs who reside in 22 different States. Although none of them resides in or was allegedly injured in Illinois, they are among thousands of plaintiffs from around the country who have filed claims in St. Clair and Madison Counties (adjacent counties in southwestern Illinois widely perceived to be plaintiff-friendly), alleging that Petitioners' essential nutrition products are unreasonably dangerous and require a warning. Although Petitioners (companies incorporated and organized in Delaware) moved their principal place of business *out of* Illinois years before any of Respondents' suits was filed, and although none of the plaintiffs or the claims at issue in this petition has any connection to Illinois, the state court held that it has general and specific jurisdiction over claims by these out-of-state plaintiffs against these out-of-state Petitioners, alleging out-of-state injuries.

The questions presented are:

1. Whether the state court erred in asserting general jurisdiction over defendant companies for claims filed years after they removed their principal place of business from the State.

2. Whether the state court erred in asserting specific jurisdiction over out-of-state defendants where the State has no connection to any plaintiff or to any plaintiff's alleged injury.

PARTIES TO THE PROCEEDINGS BELOW

Petitioner Mead Johnson & Company, LLC was an appellant in the Illinois Appellate Court, Fifth District and a defendant in the trial court.

Petitioner Mead Johnson Nutrition Company was an appellant in the Illinois Appellate Court, Fifth District and a defendant in the trial court.

Respondent Abbott Laboratories (NYSE: ABT) was also an appellant in the Illinois Appellate Court and a defendant in the trial court.

Respondents also were the following non-resident appellees in the proceeding in the Illinois Appellate Court, Fifth District and were plaintiffs in the consolidated proceeding in the trial court:

- Clarissa Greear, a resident of Virginia, on behalf of herself and her minor child B.H. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0231);
- H.H., a minor, by and through his natural mother Suzanne Harala, a resident of Washington state (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0295);
- Ayona Thomas, a resident of Mississippi, as mother and next friend for minor child Dream Thomas (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0403);
- Alison Stevens, a resident of New York, individually and as next friend and Special Administrator of the Estate of Liv Haydon Stevens (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0499);

- Khashiana Volcy, a resident of Georgia, next friend and Special Administrator of the Estate of Zyaire Florence (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0645);
- Clinton Jones III, a resident of Louisiana (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0785);
- Delfina Castelan and Oscar Gonzalez, residents of California, next friends and Special Administrators of the Estate of Yeray Gonzalez (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0785);
- Briana Hudson and Daniel Hudson, residents of Louisiana, next friends and Special Administrators of the Estate of Daniel Hudson II (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0785);
- Stephanie Massey and Timothy Massey, residents of Arkansas, next friends and Special Administrators of the Estate of Lane Massey (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0785);
- Samantha Qualls, a resident of Oklahoma, Special Administrator of the Estate of Samuel Qualls; and Keith Qualls, a resident of Oklahoma, next friend and natural parent of Samuel Qualls (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0785);
- Karlee Robinson, a resident of Alabama, individually and as Special Administrator of the Estate of Rayleigh Peavey (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);
- Keshia Parker, a resident of Mississippi, individually and as Special Administrator of the Estate of Kai Ford (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);

- Amanda Nemec, a resident of New York, individually and as Special Administrator of the Estate of Robert Nemec (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);
- Guliet Prince, a resident of Florida, individually and as Special Administrator of the Estate of Faith Daniels (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);
- Martha Roca, a resident of Florida, as mother and next friend for minor child Jacob Roca (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);
- James Mayer, Jr., a resident of New Jersey (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0826);
- Kayla Wade, a resident of Tennessee, individually and as Special Administrator of the Estate of Waylon Wade (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0826);
- Sarah Flores, a resident of South Carolina, and Eduardo Flores, a resident of Colorado, next friends and Special Administrators of the Estate of Serenity Flores (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0907);
- Christina Campos and Felis Perez, residents of Arkansas, next friends and Special Administrators of the Estate of Nikolas Christopher Perez (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0907);
- Cheryl Soares, a resident of New Jersey, individually and as Administrator of the Estate of Paris Soares (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0984);

- Enchantra Baldwin, a resident of Tennessee, on her own behalf and on behalf of minor child Nicholas Carter Jr. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1031);
- Kayla Corn, a resident of Kentucky, on her own behalf and on behalf of minor child Aaron Williams (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1031);
- Delvin Steele, a resident of Alabama, individually and as Special Administrator of the Estate of Destiny Cockrell (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1051);
- Monotreyah Harper, a resident of California, next friend and Special Administrator of the Estate of Emontrey Dnae Farris (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1054);
- Tyesha Hazelwood and Jonathan Hopkins, residents of Maryland, next friends and Special Administrators of the Estate of Zoie Hopkins (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1054);
- Ashley Ortega, a resident of Missouri, next friend and Special Administrator of the Estate of Abel James Ortega, III (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1054);
- Lacoe Fulton and Sade Horton, residents of Texas (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1075);
- Felicia Miller, a resident of Arkansas, individually and as Special Administrator of the Estate of Andrew Miller, Jr. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1118);

- Tammy Long, a resident of Maryland, individually and as Special Administrator of the Estate of Renard Edwards, Jr. (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Taisha Anderson, a resident of Tennessee, individually and as Special Administrator of the Estate of Taylen Rhodes (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Alexis Paschell, a resident of Georgia, as mother and next friend for minor child Armarion Paschell (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Tychelle Blanton, a resident of California, individually and as Special Administrator of the Estate of Elijah Blanton (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Tabaitha Doss, a resident of Indiana, individually and on behalf of minor child Loki Doss (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0016);
- Latrenda Leslie, a resident of California, individually and as Administrator of the Estate of Nylia Thompson (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0016);
- Nakia Taylor, a resident of Maryland, individually and as Special Administrator of the Estate of London Taylor (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0016);
- Jo'Shandria White, a resident of Texas, individually and as Special Administrator of the Estate of Khelil White (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0016);

- LaDonya Newman, a resident of Mississippi, individually and as Special Administrator of the Estate of Gia Undreia-Niccole (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0111);
- Michelle Watson, a resident of Tennessee, individually and as mother and next friend of minor Kaden Ketchum (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0146);
- Jayla Dougherty, a resident of Michigan, individually and as Special Administrator of the Estate of Ja'Hani Markes Dougherty (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0196);
- Tamala Johnson, a resident of North Carolina, individually and as mother and next friend of minor children Kyla McCracken and Riley McCracken (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0202);
- Dareion Carter, a resident of California (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Jackson Thornhill and Ann Hohnadel, residents of Georgia (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0434).

The following Respondents were also appellees in the proceeding in the Illinois Appellate Court, Fifth District and were plaintiffs in the consolidated proceeding in the trial court. Petitioners do not challenge specific personal jurisdiction with respect to the claims of these plaintiffs because these plaintiffs are residents of Illinois:

- Amanda Toles, on behalf of herself and her minor child Z.T. (Ill. Cir. Ct. St. Clair Cnty. Case No. 21-LA-0981);

- Megan Washington, on her own behalf and on behalf of her minor child Chamaria Calameases (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0113);
- M'Linda Brown, on her own behalf and as representative of the Estate of Ayva Florence (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0113);
- Daniell Burke, on her own behalf and on behalf of her minor child Nevaeh Burke (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0113);
- Savannah Greenia, on her own behalf and on behalf of her minor child Leo Greenia-White (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0113);
- Adrianna Holloway, on her own behalf and on behalf of her minor child Darealis Holloway (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0113);
- Lakita Oliphant, on behalf of herself and her minor child Q.J. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0231);
- Keanna Hall, as mother and next friend for minor child Miracle Crosby (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);
- Jaquez M. McClendon-Jackson (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0826);
- Suzanne Livorsi, on her own behalf and on behalf of her minor child Vincent Livorsi (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1031);
- Bria Godfrey, on her own behalf and on behalf of her minor child E'Layna Andrews (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1075);

- Marcie Pagan, on behalf of herself and her minor child J.P. (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0002).

The following Respondents were also appellees in the proceeding in the Illinois Appellate Court, Fifth District and were plaintiffs in the consolidated proceeding in the trial court, but they asserted claims only against Respondent Abbott, not against Petitioners:

- Keshonna Greenwade, individually and as next friend and Special Administrator of the Estate of Keshon Brownlow (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0057);
- Jessica Lynch, on her own behalf and as representative of the Estate of Paislee Pineiro (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0217);
- Christina Ferrer, on behalf of herself and her minor child B.M. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0231);
- Travis Helms and Jessica Helms, on their own behalf and as representative of the Estate of Emmalynn Helms (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0243);
- Tiffany Foshee, as mother and next of friend for minor child Elizabeth East (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0244);
- Francesca Rincon, as mother and next of friend for minor child Ulises Rincon (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0403);

- Edlyenis Washington, as mother and next of friend for minor child Andrew Rosa (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0464);
- Chandra Crowder, individually and as Special Administrator of the Estate of Heartlea Crowder Gregg (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Tasha Jones, individually and as Special Administrator of the Estate of Michael Gonzales (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Solita Savoy, as mother and next of friend for minor child Jasmine Harris (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Kayla Ramsey, as mother and next of friend for minor child Rizik Hussein (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Jennifer Gerhart, as mother and next of friend for minor child Piper Gerhart (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Ashlie Zartman, as mother and next of friend for minor child Baylee Rudisill (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Mykel De La Serna, next friend and Special Administrator of the Estate of Luke De La Serna (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0785);
- Shaneekqua Brown, individually and as Special Administrator of the Estate of Faith Brown (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);
- Livena Hyde Jones, as mother and next friend for minor child O'Niki Williams (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0786);

- Laquanda Ousley-Saygo, individually and as Special Administrator of the Estate of Salaih Saygo (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0826);
- Terell J. Thomas (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0826);
- Jaclyn Poindexter and Justen Walton, next friends and Special Administrators of the Estate of Xena Raylee Poindexter (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0907);
- Temika Brackins, as mother and next friend for minor child Jayden Brackins (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1051);
- Olawande Ajayi, individually and as Special Administrator of Kayleb Ajewole (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1051);
- John Post, on his own behalf and on behalf of his minor child John Post Jr. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1071);
- Elizabeth Gomes, as mother and next friend for minor child Gabrielle Gomes (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Seannah Balzer, individually and as Special Administrator of the Estate of Troy Wilson (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Sharnice Gibson, individually and as Special Administrator of the Estate of Joshua Williams (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0011);
- Lisa Bagnall, individually and as Administrator of the Estate of Hudson Bagnall (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0016);

- Winnifred Glay (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Benjamin Whitten, as father and next friend of Catherine Whitten (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Marquis Gamble (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Faridaliza Diaz, as mother and next friend of Aedan Jimenez-Diaz (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Chiquila Pirtle, individually and as Special Administrator of the Estate of Jayson Pirtle (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Deleah Talley, as mother and next friend of Dametria Goodall (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220);
- Abeygail Akers, individually and as Special Administrator of the Estate of Viviana Garcia (Ill. Cir. Ct. St. Clair Cnty. Case No. 23-LA-0220).

The following Respondents were also appellees in the proceeding in the Illinois Appellate Court, Fifth District and were plaintiffs in the consolidated proceeding in the trial court, but they have since voluntarily dismissed their claims:

- Ashley Peer, individually and as next friend and Special Administrator of the Estate of Ariyah Mae Lee (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0314);*

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*Although the parties in *Peer v. Mead Johnson & Company, et al.* (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0314), agreed that the

- Taryn Thomas, individually and as Special Administrator of the Estate of Queen Brewer (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-0498);
- Kaitlin Auger, on her own behalf and on behalf of her minor child Leland Auger (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1031);
- Audra Jones, individually and as Special Administrator of the Estate of Wesley Darnell Jones Jr. (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1051);
- Krystal Mundy, on her own behalf and as representative of the Estate of Charles Young IV (Ill. Cir. Ct. St. Clair Cnty. Case No. 22-LA-1075).

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plaintiff in that case would voluntarily dismiss claims against Mead Johnson, the trial court never issued a signed dismissal order. The Illinois Appellate Court also acknowledged that any motion to dismiss on personal jurisdiction grounds as to the *Peer* plaintiff was not in the record before it. Pet.App.3a n.1.

CORPORATE DISCLOSURE STATEMENT

Petitioner Mead Johnson & Company, LLC is not publicly traded and has one member, Mead Johnson Nutrition Company. No publicly held company owns 10% or more of its stock.

Petitioner Mead Johnson Nutrition Company is a wholly owned subsidiary of Reckitt Benckiser PLC (RB), which is publicly traded on the London Stock Exchange.

STATEMENT OF RELATED PROCEEDINGS

This case arises from the following proceedings:

- *Mead Johnson & Company, LLC, et al. v. Amanda Toles, on her own behalf and on behalf of her minor child Z.T., et al.*, No. 132713 (Ill. Mar. 25, 2026) (denying petition for leave to appeal).
- *Amanda Toles, on her own behalf and on behalf of her minor child Z.T., et al. v. Mead Johnson & Company, LLC, et al.*, Nos. 5-23-1205, 5-23-1213 cons. (Ill. App. Ct. 5th Dist. Dec. 11, 2025) (affirming denial of motions to dismiss).
- *Amanda Toles, on her own behalf and on behalf of her minor child Z.T., et al. v. Mead Johnson & Company, LLC, et al.*, No. 2021-L-000981 (Ill. Cir. Ct. St. Clair Cnty. Oct. 30, 2023) (denying motions to dismiss).†

There are no other proceedings in state or federal trial or appellate courts, or in this Court, directly related to this case within the meaning of this Court's Rule 14.1(b)(iii).

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† The state trial court's decision consolidated dozens of separate cases. As the state appellate court recognized, some of those cases involved only Illinois plaintiffs or involved only claims against Abbott, Pet.App.4a n.2; Pet.App.49a–63a, and thus were not subject to Petitioners' motions to dismiss. Additionally, several plaintiffs voluntarily dismissed their claims as to Mead Johnson. *See* Pet.App.4a n.2; Pet.App.49a–63a. The non-Illinois resident plaintiffs who have not voluntarily dismissed their claims and against whom Mead Johnson moved to dismiss on personal jurisdiction grounds in the remaining 23 cases are the subject of this Petition. *See supra* pp. ii–vii.

This is one of thousands of lawsuits filed so far across the country, seeking to impose liability against the two primary manufacturers of nutrition products for preterm infants based on allegations that the products cause infants to develop necrotizing enterocolitis. More than one thousand of those lawsuits—most of which include multiple plaintiffs—are currently pending in St. Clair and Madison Counties alone. Many of the cases in St. Clair County have been consolidated under the *Toles* case caption.

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PETITION FOR A WRIT OF CERTIORARI

Petitioners Mead Johnson & Company, LLC and Mead Johnson Nutrition Company respectfully petition this Court for a writ of certiorari to review the judgment of the Illinois Appellate Court, Fifth District.

OPINIONS BELOW

The trial court's October 30, 2023, opinion and order denying Defendants' motion to dismiss is unreported and is reproduced at Pet.App.65a–93a.

The Illinois Appellate Court, Fifth District's December 11, 2025, decision is reported at 2025 IL App (5th) 231205, 278 N.E.3d 298, and is reproduced at Pet.App.1a–64a.

The Illinois Supreme Court's March 25, 2026, order denying the petition for leave to appeal is unreported and is reproduced at Pet.App.94a.

JURISDICTION

The Illinois Appellate Court, Fifth District entered judgment on December 11, 2025, and the Illinois Supreme Court denied the timely petition for leave to appeal on March 25, 2026. Pet.App.1a; Pet.App.94a. This Court has jurisdiction under 28 U.S.C. § 1257(a).

RELEVANT CONSTITUTIONAL AND STATUTORY PROVISIONS

The Due Process Clause of the Fourteenth Amendment, U.S. Const. amend. XIV, § 1, provides:

> [N]or shall any State deprive any person of life, liberty, or property, without due process of law[.]

735 ILCS 5/2-209(c) (2022) provides in relevant part:

> A court may also exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.

INTRODUCTION

The stakes of these consolidated cases are high. Petitioners manufacture specialized preterm infant formula that is an essential component of the standard of care for premature babies in neonatal intensive care units (NICUs) when their mothers cannot produce sufficient milk to sustain their nutritional needs. The American Academy of Pediatrics (AAP) has expressed concern that suits like these may threaten the continued availability of these essential products. Plaintiffs from across the country have flocked to two Illinois counties known for being hostile to businesses to assert product-liability claims alleging that Petitioners' life-saving nutrition products caused preterm infants to develop necrotizing enterocolitis (NEC). Reflecting the medical and scientific consensus, the FDA, CDC, and NIH issued a joint statement concluding that, although a mother's own milk offers preterm infants some measure of protection from NEC, "**[t]here is no conclusive evidence that preterm infant formula causes NEC.**"[1] But aggressive plaintiffs' lawyers and Illinois state courts persist.

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[1] U.S. Dep't of Health & Hum. Servs., *FDA, CDC, NIH Consensus Statement on Recent Advisory Council Report on Premature Infants and Necrotizing Enterocolitis* (Oct. 3, 2024), https://perma.cc/BK33-BM7B (emphasis in original).

Illinois state courts are engaged in a pattern of ignoring or misapplying established due process limits on the exercise of personal jurisdiction over foreign corporations. As a result, St. Clair and Madison Counties have become havens for suits against out-of-state companies like Petitioners, brought by out-of-state plaintiffs alleging injuries with no connection whatsoever to Illinois. Approximately 97% of the thousands of plaintiffs from across the country who have filed NEC-related suits have filed in these two counties in Illinois. Petitioners understand that litigation is a cost of doing business and that some jurisdictions will always stack the deck in favor of plaintiffs. But the Constitution protects the ability of companies to organize their operations and activities to limit their exposure to suit in those places. By disregarding due process limits on personal jurisdiction, Illinois courts unconstitutionally trample businesses' reasonable expectations and the right of other States to decide controversies that arise within their borders. This Court's intervention is urgently needed to restore the reasonable limits grounded in principles of fairness and interstate federalism that the Due Process Clause of the Fourteenth Amendment requires.

Illustrating this outcome-driven approach to personal jurisdiction, the Illinois court of appeals engaged in an inquiry infected with error at every level. With respect to general jurisdiction, the court disregarded Petitioners' decision to *remove* their principal place of business from Illinois, holding that Petitioners remained subject to suit in Illinois on any claim filed by any plaintiff even after that move. The court justified that overreach by making two errors. First, the court held that, even after Petitioners

moved their principal place of business to Indiana, they remained at home in Illinois for due process purposes based on the in-state activities of renting office space, employing "dozens" of their thousands of employees, and engaging in general marketing activities. Second, with respect to a subset of plaintiffs, the court premised the exercise of general jurisdiction on facts as they existed at the time of those plaintiffs' alleged injuries, rather than on facts as they existed at the time the court engaged in its coercive exercise of jurisdiction. And with respect to specific jurisdiction, the state court held that, because Petitioners placed their products into the stream of commerce and engaged in some marketing activities in Illinois, they were subject to specific personal jurisdiction for claims of out-of-state plaintiffs hailing from as far away as California and New York—even though none of those plaintiffs and none of those plaintiffs' claims has any connection to Illinois. Neither holding can be reconciled with this Court's personal-jurisdiction decisions.

This case is the optimal vehicle for constitutional course correction because allowing the Illinois courts' overreach to go uncorrected in these suits could threaten catastrophic consequences for vulnerable preterm infants across the country. And because this case also illustrates the range of tools Illinois courts are using to distort established limits on general and specific personal jurisdiction, it offers an efficient mechanism for restoring jurisdictional order in Illinois.

Although this Court is understandably reluctant to use its resources to engage in error correction, even when state courts stray this far from established constitutional boundaries, this is the rare case where the

Court's intervention is warranted. All state courts must abide by the same due process guardrails. Two small counties should not be permitted to anoint themselves as nationwide arbiters of disputes related to these life-saving products. Nor should such counties be permitted to create a haven for plaintiffs by ignoring constitutional limits, at the expense of corporate autonomy, interstate federalism, and due process. And here, Illinois courts' disregard of those guardrails takes aim at Petitioners' critical life-saving nutrition products for the most vulnerable infants. Petitioners respectfully request that this Court grant the Petition for plenary review or summarily reverse the state court's jurisdictional holdings.

STATEMENT OF THE CASE

1. Petitioner Mead Johnson & Company, LLC and its parent company, Petitioner Mead Johnson Nutrition Company (together, "Petitioners" or "Mead Johnson"), have designed and manufactured infant formula for over 100 years. One of Mead Johnson's most important product lines is a set of life-saving nutrition products used by hospitals to feed preterm infants in NICUs when their mothers' milk is unavailable or nutritionally insufficient.

For decades, Mead Johnson has supplied NICUs with these critical products to support the growth and development of preterm infants. Pet.App.17a. Mead Johnson distributes a range of these specialized nutrition products under the Enfamil® brand, including formulas—liquids or powders designed to replace or supplement breast milk—and fortifiers—liquids or powders designed to mix with breast milk to increase its nutritional content. Pet.App.6a. Many Enfamil®

products contain ingredients derived from cow's milk, Pet.App.2a–3a, and are a crucial component of providing necessary nutritional care to the most vulnerable newborns in their first weeks and months of life. These products are not advertised or marketed to the general public; by FDA regulation, they are "not generally found on retail shelves for general consumer purchase" and "typically are prescribed by a physician." *See* 21 C.F.R. § 107.50(c)(1).

Since the 1960s, Mead Johnson has operated its business from its headquarters in Evansville, Indiana, with only one brief interruption. In May 2009, Mead Johnson relocated to Cook County, Illinois, after separating from former parent company Bristol-Myers Squibb. Pet.App.9a. Only nine years later, at the end of 2018, Mead Johnson returned to its historic home in Indiana, after it was acquired by Reckitt Benckiser PLC. Pet.App.9a. Although Mead Johnson & Company, LLC still maintains a small local office in Illinois, all managerial decisions, including those related to its formulas and fortifiers, are made at its headquarters in Indiana. Pet.App.9a, 12a–13a. Mead Johnson Nutrition has not even had an active business registration in Illinois since February 2019. Pet.App.9a.

In approximately 2020, parents and other representatives of minor children began filing product-liability suits against Mead Johnson and Abbott Laboratories ("Abbott"), which makes similar products and is headquartered in Illinois. Pet.App.2a. These suits allege that Mead Johnson's and Abbott's products containing cow's milk cause NEC, a serious gastrointestinal condition that occurs most often in preterm infants. Pet.App.2a.

Organizations of medical and scientific experts who have studied NEC in preterm infants overwhelmingly agree that, although a mother's milk provides some protection against NEC, there is no conclusive evidence demonstrating that preterm formula causes NEC. In October 2024, the Food & Drug Administration, Centers for Disease Control, and National Institutes of Health issued a "Consensus Statement" to that effect, confirming that "[f]or infants where the supply of human milk is insufficient, these formulas are part of the standard of care for premature infants."[2] AAP has similarly emphasized that "[t]hese special formulas provide an essential source of nutrition for preterm infants" and explained that "[u]sing human breast milk to feed preterm infants may reduce the risk of NEC, but it does not eliminate this risk."[3] AAP has also expressed "concern[] that lawsuits against specialty formula makers threaten the availability of formulas that provide important nutrition for preterm infants."[4] And Abbott's CEO has

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[2] U.S. Dep't of Health & Hum. Servs., *FDA, CDC, NIH Consensus Statement on Recent Advisory Council Report on Premature Infants and Necrotizing Enterocolitis* (Oct. 3, 2024), https://perma.cc/BK33-BM7B.

[3] Sean Stangland, AAP NEWS, *AAP President: NEC Verdicts May Jeopardize Specialized Preterm Formula Supply* (July 27, 2024), https://perma.cc/E449-BT3B.

[4] Sean Stangland, AAP NEWS, *FDA, CDC, NIH: Evidence Points to Lack of Human Milk, Not Specialty Formulas, As Increasing Risk of NEC* (Oct. 9, 2024), https://perma.cc/66PX-PBMB.

stated that it may pull its preterm formula products from the market as a result of suits like these.[5]

In spite of the overwhelming medical and scientific view that these preterm formulas are not only safe, but a critical component of caring for vulnerable infants in the NICU, plaintiffs have flocked to jurisdictions known to be plaintiff-friendly to assert an array of tort claims, including strict products liability, negligence, misrepresentation, breach of implied and express warranty, failure to warn, and loss of consortium. Pet.App.2a.

To date, more than 13,000 plaintiffs have filed lawsuits against Mead Johnson nationwide. Even though Mead Johnson's products are routinely used in NICUs across the country, approximately 97% of the plaintiffs with pending suits (accounting for more than 12,500 plaintiff families) filed in either St. Clair or Madison County, both magnets for mass product-liability litigation and famous for being inhospitable to business defendants. However, *only nine* (approximately 0.07%) of the more than 12,500 plaintiffs who have filed suit against Mead Johnson in those two counties allege injuries that occurred in either St. Clair or Madison County, and less than 6% allege injuries that occurred *anywhere* in Illinois. The cases overwhelmingly involve infants and alleged injuries with no connection whatsoever to Illinois.[6]

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[5] Madison Muller & Jef Feeley, *Abbott Weighs Pulling Baby Formula Cited in Lawsuits*, CLAIMS JOURNAL (July 19, 2024), https://perma.cc/Z59B-ZU2Y.

[6] Moreover, most of the plaintiffs who filed against Mead Johnson in these counties failed to include an allegation that a Mead

2. The Respondents that are the subject of this Petition include 51 plaintiffs who sued Mead Johnson in St. Clair County between 2022 and 2023 and who reside in 22 different States. None lives in Illinois and not even one of their preterm infants consumed Mead Johnson's products in Illinois, developed NEC in Illinois, or received treatment for NEC in Illinois. Pet.App.13a–14a. The St. Clair trial court consolidated these suits, along with a handful of suits filed by Illinois residents (which are not at issue here). Pet.App.2a–3a; Pet.App.66a–67a.

As relevant here, Petitioners moved to dismiss the non-Illinois residents' complaints for lack of personal jurisdiction. Petitioners argued that the St. Clair trial court lacks general jurisdiction because Petitioners are not "at home" in Illinois. Pet.App.8a–9a; *see Daimler AG v. Bauman*, 571 U.S. 117, 137 (2014). Both Petitioners are incorporated and organized in Delaware, and neither company maintained its headquarters or conducted any management functions in Illinois at the times the suits were filed or at any time since. Pet.App.8a–9a.

Petitioners also argued that the trial court lacked specific jurisdiction over the out-of-state plaintiffs'

Johnson product was even involved. Rather, the complaints also name Abbott and vaguely plead consumption of a Mead Johnson "and/or" an Abbott product. More than half of the Respondents that are the subject of this Petition pursued this exact strategy. Because Respondents have also sued Abbott Laboratories, an Illinois company, Pet.App.2a, Petitioners cannot remove these cases to federal court due to a lack of federal diversity jurisdiction. *See* 28 U.S.C. §§ 1332, 1441 (requiring complete diversity for removal).

claims because the infants' alleged injuries "did not arise out of or relate to" Petitioners' limited activities in Illinois after they moved to Indiana. Pet.App.19a–20a. The Respondents that are the subject of this Petition do not reside in Illinois. They do not allege that they purchased Mead Johnson products in Illinois, that their infants consumed Mead Johnson products in Illinois, that their infants developed or were treated for NEC in Illinois, or that they had ever seen any information about Mead Johnson products in Illinois.

The St. Clair trial court nevertheless denied the motions. The court first held that it could exercise general jurisdiction over Mead Johnson for two reasons: first, because "Mead Johnson was headquartered in Illinois during" some of "the time of conduct," though not when the suit was filed; and second, because Mead Johnson continued to employ "dozens" of people, rent office space, and engage in marketing and other limited activities in Illinois. Pet.App.69a–71a. The trial court also held that it could exercise specific jurisdiction over Petitioners with respect to out-of-state plaintiffs' assertion of out-of-state injuries because Mead Johnson engaged in unrelated and limited business operations in Illinois. Pet.App.69a–71a.

3. The Fifth District Appellate Court granted interlocutory review and affirmed. The court first concluded that it had general jurisdiction over Petitioners with respect to all of the out-of-state plaintiffs' claims based on two lines of reasoning. First, the court held that Mead Johnson is subject to general jurisdiction in Illinois for the subset of claims related to infants who were born during the period when Mead Johnson was headquartered in Illinois, even though

those plaintiffs did not invoke Illinois courts' jurisdiction by filing their claims until after Mead Johnson returned its principal place of business to Indiana. Pet.App.10a–11a. Second, the court held that Mead Johnson is subject to general jurisdiction for claims related to infants who were born after the company relocated because Mead Johnson "continued to have substantial and continuous contacts with Illinois as to render it essentially at home in Illinois," relying on evidence that Mead Johnson rented office space in Illinois, employed "dozens" of employees in Illinois, and offered training in Illinois about sale of its products to NICUs. Pet.App.12a–13a.

The appellate court also found specific jurisdiction, reasoning that Mead Johnson "purposefully directed its activities at Illinois" by delivering its products "into the stream of commerce in Illinois" and marketing its products there. Pet.App.16a–19a. The court held that it is of no jurisdictional consequence that no "infant at issue consumed any Mead Johnson product in Illinois, got sick in Illinois, or was treated in Illinois," concluding that "no authority" supports Mead Johnson's "proposition that a plaintiff must reside or be injured in a forum state for the state to assert personal jurisdiction." Pet.App.19a–20a.

4. Mead Johnson filed a timely petition for leave to appeal to the Illinois Supreme Court; the court denied the petition. Pet.App.94a.

REASONS FOR GRANTING THE PETITION

The Illinois court of appeals affirmed the exercise of personal jurisdiction over an out-of-state company facing claims by out-of-state plaintiffs asserting out-of-state injuries arising from out-of-state conduct. In

other words, the claims at issue here have literally no connection to Illinois. Ignoring essentially all of this Court's personal-jurisdiction holdings and guidance from the last two decades, the Illinois court cemented the State's role as a haven for plaintiffs to sue out-of-state businesses for conduct occurring anywhere.

As this Court has explained, the rules governing personal jurisdiction derive from the Due Process Clause of the Fourteenth Amendment and "reflect two sets of values—treating defendants fairly and protecting 'interstate federalism.'" *Ford Motor Co. v. Mont. Eighth Jud. Dist. Ct.*, 592 U.S. 351, 360 (2021) (citation omitted). But the Illinois court's approach runs roughshod over both sets of values. There is nothing fair about subjecting an out-of-state company to claims that have nothing to do with its in-state conduct, including by disregarding the company's choice to *remove* its principal place of business from Illinois years before the first lawsuit was filed. And the Illinois court's decision leaves no room for interstate federalism, instead depriving the plaintiffs' many home States of the ability to adjudicate claims that implicate the continued availability of essential nutrition products for vulnerable preterm infants within their borders.

This Court's intervention now is critical. A single State—let alone just two counties within a single State—cannot open its doors to all plaintiffs with no consideration for due process or a defendant's conscious choice to limit its interactions with the State. Since the appellate court's personal-jurisdiction decision in this case, on average *four* new out-of-state plaintiffs have filed a new NEC-related suit against Mead Johnson in these counties *every day*. Illinois

cannot ignore due process by embracing such blatant forum-shopping. Petitioners respectfully request that the Court grant the petition for a writ of certiorari or consider summarily reversing the state court's decision.

I. The Illinois Court's Exercise of Personal Jurisdiction Violates Due Process.

For decades, this Court's personal-jurisdiction jurisprudence has implemented the view that the Due Process Clause "gives a degree of predictability to the legal system that allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit." *World-Wide Volkswagen Corp. v. Woodson*, 444 U.S. 286, 297 (1980). The Illinois court of appeals threw that predictability out the window by disregarding Mead Johnson's considered choices about where to make itself at home and by ignoring clear guidance from this Court about the types of connections due process requires among a jurisdiction, a defendant, and claims asserted in litigation. Illinois' rogue approach cannot be allowed to stand.

A. The State Court Erred by Asserting General Jurisdiction Over Petitioners.

The Illinois court of appeals relied on two different theories to find general jurisdiction over claims asserted by two separate groups of plaintiffs. That approach alone illustrates that the court erred because the basis for general jurisdiction should not vary depending on the plaintiff's identity or claim. A court either has general jurisdiction over a defendant for all claims, or it lacks general jurisdiction over a

defendant for any claims—because a defendant is either at home in the jurisdiction or it is not. And beyond the error of assessing general jurisdiction claim by claim, neither of the state court's theories of general jurisdiction can be reconciled with due process or with any of this Court's decisions addressing general jurisdiction.

First, the Illinois court of appeals erred by holding that it has general jurisdiction over Petitioners for claims by all the out-of-state plaintiffs because Petitioners "have substantial and continuous contacts with Illinois as to render [them] essentially at home in Illinois." Pet.App.12a–13a. The contacts the court relied on were: (1) the continued use of rented office space that had formerly served as Petitioners' headquarters in Illinois; (2) the continued employment of "dozens" of people in Illinois, including Petitioners' global director of hospital marketing, a team responsible for managing sales relationships with hospitals across the country, and "a manager" who coordinated "nationwide commercial training"; and (3) the provision of training in Illinois to sales representatives from across the country. Pet.App.12a–13a. The state court's determination that those limited contacts rendered Petitioners at home in Illinois cannot be reconciled with this Court's decisions in *Daimler* and *BNSF*.[7]

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[7] As the court of appeals noted, the state trial court relied on a handful of public statements from Petitioners' employees erroneously identifying Mead Johnson as an Illinois company after 2018. Pet.App.8a–9a. The court of appeals did not rely on such statements, and they do not alter the analysis. The inquiry into whether a corporation is at home in a particular State focuses on

Due process "does not permit a State to hale an out-of-state corporation before its courts when the corporation is not at home in the State and the episode-in-suit occurred elsewhere." *BNSF Ry. Co. v. Tyrrell*, 581 U.S. 402, 405–06 (2017). In determining where a company is at home, the "paradigm . . . bases for general jurisdiction" are "the place of incorporation and principal place of business." *Daimler*, 571 U.S. at 128. Petitioners' place of incorporation is Delaware; Petitioners' principal place of business from May 2009 to December 2018 was Illinois; and the first out-of-state plaintiff filed suit in St. Clair in 2022, long after Mead Johnson had relocated its principal place of business to Indiana.

Identifying a corporate defendant's principal place of business for purposes of general jurisdiction requires "an appraisal of a corporation's activities in their entirety, nationwide and worldwide." *Daimler*, 571 U.S. at 139 n.20. The Illinois court of appeals did not even attempt to engage in that analysis—and if it had, it could not have determined that Illinois remained Petitioners' principal place of business after 2018. The state court relied, for example, on the fact that Mead Johnson & Company, LLC employed "dozens" of people in Illinois; but that small number of

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the company's intentional contacts with a State, not on isolated and mistaken characterizations of those contacts. *Cf. Hertz Corp. v. Friend*, 559 U.S. 77, 97 (2010) (in diversity context, rejecting suggestion that principal place of business can be determined from corporate forms identifying location of headquarters and instead holding that courts must determine "the place of actual direction, control, and coordination").

employees cannot establish a principal place of business for a company like Mead Johnson, which employs *thousands* of employees across the globe. The state court also relied on the fact that several of the dozens of Illinois employees had roles managing or directing aspects of Mead Johnson & Company, LLC's marketing efforts. That, too, falls far short of establishing a principal place of business. In the related context of diversity jurisdiction, this Court has held that a business defendant's principal place of business is the "nerve center" from where its officers and directors control the company. *Hertz Corp. v. Friend*, 559 U.S. 77, 92–93 (2010). The state court did not cite any evidence that Mead Johnson was controlled from Illinois after 2018 and identified exactly zero officers or directors located in Illinois at that time. In other words, there is literally no support in the record for the Illinois court of appeals' determination that Mead Johnson remained at home in Illinois after relocating to Indiana in 2018.

The types of contacts the Illinois court of appeals relied on might be sufficient to establish *specific* jurisdiction over a claim that arose out of or was related to those contacts. Indeed, Petitioners do not contest specific jurisdiction over claims of *in-state* plaintiffs. "But ties serving to bolster the exercise of specific jurisdiction do not warrant a determination that, based on those ties, the forum has *general* jurisdiction over a defendant." *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S. 915, 927 (2011). "A corporation that operates in many places can scarcely be deemed at home in all of them. Otherwise 'at home' would be synonymous with 'doing business' tests framed before specific jurisdiction tests evolved in the United

States." *Daimler*, 571 U.S. at 139 n.20. Under the Illinois court of appeals' approach, Petitioners would likely be deemed at home in all 50 States, a result this Court has expressly rejected as "unacceptably grasping" and "exorbitant." *Id.* at 138, 139.

A company's principal place of business "ordinarily indicates only one place." *Daimler*, 571 U.S. at 137. Adherence to that approach is critical because it "allows potential defendants to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit." *World-Wide Volkswagen*, 444 U.S. at 297; *see Ford Motor*, 592 U.S. at 359. When state courts become havens for plaintiffs seeking huge judgments from businesses, a company should be able to opt out of that State's reach by relocating its principal place of business and otherwise limiting its contacts with the State. Here, Mead Johnson did the former, moving its nerve center to Indiana. Illinois should not be able to double down on its plaintiff-friendly approach by ignoring corporate autonomy. The Due Process Clause does not allow it.[8]

Second, the state court compounded its error by holding that, even if Mead Johnson was no longer at home in Illinois when these suits were filed, Illinois courts retain general jurisdiction over Petitioners with respect to the subset of claims filed by plaintiffs

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[8] Although this Court has left open the possibility that in certain "exceptional" cases, a defendant may be subject to general jurisdiction in a forum "other than its formal place of incorporation or principal place of business," *Daimler*, 571 U.S. at 139 n.19, the state court did not purport to find any exceptional circumstances and none exists here.

whose alleged injuries occurred when Mead Johnson's principal place of business was formerly in Illinois (May 2009 to December 2018). Pet.App.10a–11a. That approach—finding general jurisdiction over *some* plaintiffs' claims based on historical contacts—simply misunderstands the nature of general jurisdiction.

"General jurisdiction, as its name implies, extends to 'any and all claims' brought against a defendant," regardless of whether they "relate to the forum State or the defendant's activity there." *Ford Motor*, 592 U.S. at 358. The breadth of that jurisdictional reach "imposes a correlative limit" in that it applies only where a defendant is at home. *Id.* Because the state court erred in determining that Mead Johnson was at home when these suits were filed beginning in 2021, it lacked general jurisdiction over any claims, including those that accrued during the time Mead Johnson was at home in Illinois.

Whether a State can assert general jurisdiction over a defendant must be assessed based on facts as they exist *when the state court asserts jurisdiction*, not based on the facts as they existed at the time a claim accrued. *See Grupo Dataflux v. Atlas Glob. Grp.*, 541 U.S. 567, 570 (2004) ("It has long been the case that 'the jurisdiction of the court depends upon the state of things at the time of the action brought.'" (quoting *Mollan v. Torrance*, 22 U.S. (9 Wheat.) 537, 539 (1824)). As this Court has explained, "[a] state court's assertion of jurisdiction exposes defendants to the State's coercive power, and is therefore subject to review for compatibility with the Fourteenth Amendment's Due Process Clause." *Goodyear*, 564 U.S. at 918–19. The relevant time for assessing

whether a defendant is "at home" in a State is when the State asserts its coercive power over that defendant. Because Petitioners were no longer at home in Illinois when the plaintiffs filed their claims, the Illinois courts lack general jurisdiction over Petitioners.

This Court has repeatedly emphasized both that "[s]imple jurisdictional rules . . . promote greater predictability," *Daimler*, 571 U.S. at 137 (quoting *Hertz*, 559 U.S. at 94) (second alteration original), and that due process requires that jurisdictional rules be sufficiently predictable to "permit out-of-state defendants 'to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit,'" *id.* at 139; *see Ford Motor*, 592 U.S. at 368. The Illinois court of appeals' approach of looking to where a corporate defendant *was* at home when a claim accrued ignores both of those guardrails. Here, Petitioners reasonably expected to be subject to the general jurisdiction of Illinois courts for any claim that was filed *during the limited time* when Petitioners were at home in that State. And Petitioners can reasonably expect *now* to be subject to the specific jurisdiction of Illinois courts for claims that arise from or are related to Petitioners' purposeful contacts with the State. But when, as here, a corporation moves its principal place of business *out of* a State, it does not reasonably expect to be subject to that State's jurisdiction for newly filed claims that are unrelated to any ongoing contacts with the State. By extending the duration of general jurisdiction years beyond the point when Petitioners rejected Illinois as their home, the state court eroded

the predictability that due process requires and infringed the rights of a company to take steps to limit its exposure to the jurisdiction of hostile state courts.

For years, lower courts have routinely decided whether they have general jurisdiction over a corporate defendant by determining where the defendant is at home at the time a suit is filed or process is served—*i.e.*, at the time the court actually exercises that jurisdiction. In the modern era, there is very little discussion among lower courts about why that approach is required by due process principles—and this Court has not had occasion to address the question directly. *See* 4 *Wright & Miller's Federal Practice & Procedure* § 1067.5 (4th ed. 2026). But no other approach would be consistent with the Court's focus in cases like *Goodyear* and *Daimler* on the connection between general jurisdiction and a State's exercise of its coercive jurisdiction through its courts.

Although this Court has not expressly analyzed this timing question, its decision in *Perkins v. Benguet Consolidated Mining Co.*, 342 U.S. 437 (1952), nicely illustrates that the timeframe for determining where a corporation is at home for jurisdictional purposes is at the time a suit is filed. In *Perkins*, the defendant mining company had operated principally in the Philippines before its occupation by Japanese forces. *Id.* at 447. During the period of occupation, the company halted its operations in the Philippines and the company's president relocated to Ohio, where he carried on the company's limited wartime activities for that period of time. *Id.* at 448. Although there was no dispute that the defendant company was a corporate creature of the Philippines, this Court held that the company was subject to the general jurisdiction of

Ohio courts for claims filed *while* the company's president *was operating* the business from Ohio. *Id.* "In those circumstances," the Court later explained, "Ohio was the corporation's principal, if temporary, place of business so that Ohio jurisdiction was proper even over a cause of action unrelated to the activities in the State." *Keeton v. Hustler Mag., Inc.*, 465 U.S. 770, 779 n.11 (1984). In so holding, the Court in *Perkins* focused on the nature of the defendant company's contacts "at the time [its president] was served with [a] summons." 342 U.S. at 448. Applying that approach here, Petitioners are not subject to general jurisdiction in Illinois.

The Illinois court's holding also cannot be reconciled with this Court's approach to general jurisdiction and related jurisdictional principles more broadly. Under general jurisdiction, a defendant is subject to suit for "*any and all claims*" regardless of when they took place and regardless of whether they took place in the forum where the defendant is "at home." *Daimler*, 571 U.S. at 136–37 (emphasis added). Unlike specific jurisdiction, which focuses on the connection between a plaintiff's claims and a defendant's in-state activities, general jurisdiction thus turns on facts about the nature of a defendant's contact with the forum, with no reference to a plaintiff's particular claims. Determining where a company is at home at the time a court exercises jurisdiction rather than at the time a claim accrues is consistent with the general rule that when "the actual 'state of things' [is] relevant to jurisdiction—meaning, the facts on the ground"—those facts are determined "at the time a suit is brought." *Royal Canin U.S.A. v. Wullschleger*, 604 U.S. 22, 36 n.5 (2025); *see Dole Food Co. v. Patrickson*,

538 U.S. 468, 478 (2003) (invoking the "longstanding principle that 'the jurisdiction of the Court depends upon the state of things at the time of the action brought.'" (citation omitted)). If a corporate defendant were a citizen of State A at the time of an alleged injury but relocated to State B before a plaintiff filed suit, the defendant's *former* citizenship in State A would be irrelevant to establishing diversity jurisdiction. *See, e.g.*, *Royal Canin U.S.A.*, 604 U.S. at 36 n.5 (explaining that a party's citizenship is determined only "at the time a suit is brought"). The same is true of general jurisdiction: The relevant inquiry is where a company is at home when suit is filed.

Because the state court erred multiple times over in finding Mead Johnson subject to general jurisdiction (to say nothing of its errors with respect to specific jurisdiction, addressed below), this Court should grant the Petition for plenary review or summarily reverse.

B. The State Court Erred by Asserting Specific Jurisdiction Over Claims of Out-of-State Plaintiffs.

The Illinois court of appeals' holding on specific jurisdiction was just as egregious as its holding on general jurisdiction. None of the claims at issue here was filed by an Illinois resident, involves an infant who ingested Petitioners' products in Illinois, involves an infant who was allegedly injured by Petitioners' products in Illinois, or involves an infant who was treated for any such alleged injury in Illinois. That means that none of the claims at issue here could possibly arise out of or relate to Petitioners' contacts with Illinois. The state court's holding that it had specific

jurisdiction over all of these claims is a blatant jurisdictional grab in outright defiance of this Court's decisions in *Bristol-Myers Squibb Co. v. Superior Court*, 582 U.S. 255 (2017) ("*BMS*"), and *Ford Motor*.

The state court did not find any actual connection—causal or otherwise—between Petitioners' contacts with Illinois and the plaintiffs' alleged injuries. Instead, the court noted that Petitioners have "actively marketed" the relevant products for use "in Illinois" since 2000 and simply asserted that the out-of-state plaintiffs' causes of action "arose out of or related to Mead Johnson's contacts with Illinois." Pet.App.17a–18a; 21a. But Petitioners' advertisement of their products to hospitals in Illinois cannot establish specific jurisdiction over the claims of plaintiffs with literally no connection to Illinois. The state court's insistence that "no authority" requires "that a plaintiff must reside or be injured in a forum state for the state to assert personal jurisdiction," Pet.App.20a, is simply incorrect.

This case is on all fours with *BMS* and is ripe for summary reversal. In *BMS*, out-of-state plaintiffs filed claims in California state court, alleging injury from Plavix, a nationally marketed prescription drug. 582 U.S. at 259. Noting that "all the conduct giving rise to the nonresidents' claims occurred elsewhere," this Court held that California courts lacked specific jurisdiction over those plaintiffs' claims because any "connection between the forum and the specific claims at issue" was "missing." *Id.* at 264–65. As the Court later explained in *Ford Motor*, the plaintiffs in *BMS* "were not residents of California," "had not been prescribed Plavix in California," "had not ingested Plavix in California," and "had not sustained their injuries in

California." 592 U.S. at 369. The same is true here: the plaintiffs are not residents of Illinois, did not ingest any formula products in Illinois, did not become sick in Illinois, and were not treated in Illinois. To borrow this Court's phrasing in *BMS*, "the nonresidents' claims involve no harm in [Illinois] and no harm to [Illinois] residents." 582 U.S. at 266. They therefore cannot form the basis for specific jurisdiction in Illinois.

The Illinois court of appeals relied on the fact that Petitioners marketed their products to *other* entities or people who are in Illinois. Pet.App.18a–19a. But the same was true in *BMS*, and this Court rejected that as a basis for jurisdiction, explaining that "[t]he mere fact that *other* plaintiffs were prescribed, obtained, and ingested Plavix in California—and allegedly sustained the same injuries as did the nonresidents—does not allow the State to assert specific jurisdiction over the nonresidents' claims." 582 U.S. at 265. This Court later described the nonresident plaintiffs in *BMS* as "engaged in forum-shopping—suing in California because it was thought plaintiff-friendly, even though their cases had no tie to the State." *Ford Motor*, 592 U.S. at 369–70. The same is true of the out-of-state plaintiffs in this case: they have filed suit in Illinois counties that are known for being plaintiff-friendly even though their claims lack any connection to Illinois.

Remarkably, the Illinois court of appeals did not even cite *BMS*, let alone attempt to distinguish it. Instead, the court relied on this Court's rejection in *Ford Motor* of a "causation-only" approach to establishing that a plaintiff's claim arises out of or relates to a defendant's contacts with the forum State.

Pet.App.20a–21a. That holding did not change the fact that "the Fourteenth Amendment's Due Process Clause does not permit a State to hale an out-of-state corporation before its courts when . . . the episode-in-suit occurred elsewhere." *BNSF*, 581 U.S. at 405–06. In rejecting a causation-only approach, the Court in *Ford Motor* simultaneously emphasized that its holding "does not mean anything goes." 592 U.S. at 362. Instead, the Court explained that "the phrase 'relate to' incorporates real limits," *id.*, repeatedly emphasizing that the plaintiffs resided and were injured *in the forum States*, *id.* at 363–64. *See also Goodyear*, 564 U.S. at 919 (no specific jurisdiction "[b]ecause the episode-in-suit, the bus accident, occurred in France, and the tire alleged to have caused the accident was manufactured and sold abroad").

The Court in *Ford Motor* expressly rejected the notion that "a California court could hear a claim against Ford brought by an Ohio plaintiff based on an accident occurring in Ohio involving a car purchased in Ohio," explaining that such an exercise of jurisdiction, by "[r]emoving the need for any connection between the case and forum State[,] would transfigure our specific jurisdiction standard as applied to corporations." 592 U.S. at 362 n.3. The same is true here. The Illinois court erred in exercising specific jurisdiction over Petitioners for claims brought by out-of-state plaintiffs based on injuries occurring out of the State. This Court should grant the Petition for plenary review or consider summary reversal.

II. This Court's Intervention Is Urgently Needed.

If allowed to stand, the Illinois court of appeals' holdings will cement Illinois as a jurisdictional free-for-all, open for any plaintiff to sue any corporate defendant on any claim, without regard to the limits of due process. That is not hyperbole: the hundreds of claims at issue here have literally no connection to Illinois and in that respect are representative of thousands of other claims pending in Madison and St. Clair Counties. The state court's approach undermines corporate autonomy and interstate federalism. And the American Academy of Pediatrics has expressed concern that allowing suits like these to proceed in this way could threaten the continued availability of a nutrition product that is critical for the most vulnerable infants. The jurisdictional issues are cleanly teed up for this Court and ripe for decision now, either through plenary review or summary reversal.

A. The Illinois Court's Decision Undermines Corporate Free Will and Interstate Federalism.

The Illinois court of appeals' expansive approach to personal jurisdiction upends the "two sets of values" that have guided this Court's doctrine for more than 75 years—"treating defendants fairly and protecting 'interstate federalism.'" *Ford Motor*, 592 U.S. at 360 (quoting *World-Wide Volkswagen Corp.*, 444 U.S. at 293).

1. The Due Process Clause requires state courts to abide by meaningful jurisdictional "limits" that "provide[] defendants with 'fair warning'—knowledge that

'a particular activity may subject [it] to the jurisdiction of a foreign sovereign.'" *Ford*, 592 U.S. at 360 (second alteration original) (quoting *Burger King v. Rudzewicz*, 471 U.S. 462, 472 (1985)). Such notice allows a corporate defendant to "'structure [its] primary conduct' to lessen or avoid exposure to a given State's courts." *Id.* (quoting *World-Wide Volkswagen Corp.*, 444 U.S. at 297).

By disregarding this Court's settled due process limits on state-court jurisdiction, the Illinois courts have made suit in Illinois effectively unavoidable for national companies. Under the state court's specific-jurisdiction holding, any company that sells a product in Illinois may be sued there for any claims related to that type of product, regardless of where the claim arises or whether the plaintiff has ever set foot in the State. The only potential way to avoid such jurisdiction is to stop selling or advertising products in Illinois, full stop. And even that may not be enough. Mead Johnson Nutrition has not had an active registration license in Illinois since February 2019, Pet.App.9a, but even ceasing *all conduct* in Illinois did not prevent the state court from asserting coercive power over it in this case.

And under the state court's general-jurisdiction holding, a company that at one time had its headquarters in Illinois cannot escape the State's coercive exercise of general jurisdiction even after the company relocates to a different State. "Such [an] exorbitant exercise[] of all-purpose jurisdiction . . . scarcely permit[s] out-of-state defendants 'to structure their primary conduct with some minimum assurance as to where that conduct will and will not render them liable to suit.'" *Daimler*, 571 U.S. at 139.

The through-line in this Court's jurisprudence governing personal jurisdiction—whether general, specific, or by consent—is that a State cannot assert jurisdiction over a corporate defendant unless that defendant has engaged in some purposeful action to subject itself to suit in the State. *See Ford Motor*, 592 U.S. at 359 ("The contacts must be the defendant's own choice."). Here, there is no question that Petitioners have not consented to suit in Illinois—and Petitioners' purposeful actions either have zero connection to the claims at issue or indicate an affirmative effort to *avoid* jurisdiction in Illinois. Illinois should not be permitted to trample Petitioners' right to structure their conduct by asserting jurisdiction where none exists.

2. Principles of interstate federalism are meant to "ensure that States with 'little legitimate interest' in a suit do not encroach on States more affected by the controversy." *Ford Motor*, 592 U.S. at 360. By retaining jurisdiction over claims from out-of-state plaintiffs, the Illinois courts are trampling the interests of States that are home to those plaintiffs and to the injuries they allege. Plaintiffs from across the country now enjoy nearly unfettered access to the plaintiff-friendly courts in St. Clair and Madison Counties. As more plaintiffs file there instead of in their home States, those courts are fast becoming the nation's de facto forum for product-liability claims, even when Illinois has no connection to the parties or alleged conduct and thus no "legitimate interest" in displacing another State's authority over the dispute. *BMS*, 582 U.S. at 263.

As noted, the plaintiffs claim that Petitioners' nutrition products for preterm infants—products

administered in the NICU under the direction of expert neonatal healthcare professionals—are unsafe. States other than Illinois surely have a strong interest in whether and under what circumstances vulnerable infants within their borders have access to these standard-of-care products. But those interests must now take a back seat to the Illinois courts that serve as magnets for product-liability claims. Every year, approximately ten thousand preterm infants in Illinois and hundreds of thousands of preterm infants around the country rely—sometimes exclusively—on Mead Johnson's products to survive. Pediatricians have sounded the alarm, expressing concern that allowing matters to proceed in this way could threaten the continued availability of Petitioners' critical products. And Abbott, the only other major manufacturer of these specialty formulas, has stated that it may pull its products from the market if these suits continue. *See supra* pp. 7–8. Two counties in Illinois should not be permitted to decide these questions for the entire nation.

B. This Case Is Well Positioned for this Court's Immediate Intervention.

The jurisdictional questions in this case are cleanly presented and, if the Court were to grant the Petition and rule for Petitioners, would be dispositive. This Court has not shied away from granting certiorari when state courts seek to egregiously expand the scope of personal jurisdiction beyond what due process allows, even where the State's own court of last resort declines discretionary review of the issue. *See Goodyear*, 564 U.S. at 922–23. It should do so again here—or risk cementing Illinois as a due-process-free zone when it comes to personal jurisdiction.

This case falls squarely within the criteria this Court applies when granting a writ of certiorari. *See* Sup. Ct. R. 10(c). Although the Court is understandably reluctant to exercise its discretionary supervisory authority to correct outlier decisions, this is exactly the type of circumstance in which such an exercise is warranted. The Due Process Clause of the Fourteenth Amendment applies to all States—and no State should be permitted to ignore the constraints of that clause to create a haven for plaintiffs to sue out-of-state corporations. But that is exactly what has happened in a subset of counties in Illinois. These counties have asserted control over claims filed by literally thousands of out-of-state plaintiffs, alleging that a vital product that is sold and used nationwide is unsafe. That is not a local Illinois issue; it is a problem of national scope.

Since the appellate court's decision in this case, on average four new out-of-state plaintiffs have filed NEC-related suits against Mead Johnson in St. Clair and Madison Counties *every day*. Left unchecked, the appellate court's flawed jurisdictional rulings will leave open the floodgates to claims from across the country against any and all national companies, repeatedly forcing those companies into inconvenient and antagonistic forums and displacing States that have far stronger interests at stake.

It is no mystery why plaintiffs are flocking to these counties and pulling out all the stops to remain there, even though these courts are often far from the witnesses and evidence relevant to their claims about the medical and nutritional care particular preterm infants received in hospitals outside of Illinois. St. Clair and Madison Counties, along with other trial courts

in Illinois, are widely known for their plaintiff-friendly rules and their "nuclear" verdicts.[9] Rather than file in their home States—or in the multidistrict litigation consolidated in a federal court in Illinois, *see* MDL No. 3026 (N.D. Ill.)—thousands of plaintiffs have filed in these relatively small counties, making sure to defeat Petitioners' ability to remove their case to federal court by pleading their claims against Petitioners "and/or" Illinois-based Abbott.[10]

Although this case comes to the Court in an interlocutory posture, this is the only realistic opportunity for the Court to set things right. It has taken more than *four years* from the start of this matter for the threshold issue of personal jurisdiction to reach this Court for consideration. It is difficult to fathom the magnitude of additional party and judicial resources that would need to be expended over a period of years before this Court might have an opportunity to consider these questions on review of a final judgment. Although Petitioners feel very strongly—in agreement with leading medical, scientific, and governmental authorities—that their products are not only safe, but essential, for vulnerable infants, the weight of more than 12,500 plaintiffs with suits pending in some of the most plaintiff-friendly jurisdictions

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[9] Am. Tort Reform Found., *2025-2026 Judicial Hellholes Report: #7 Cook, Madison, & St. Clair Counties, Illinois*, https://judicialhellholes.org/hellhole/2025-2026/cook-madison-st-clair-counties-illinois/ (last visited June 22, 2026).

[10] Likely due to St. Clair and Madison Counties' plaintiff-friendly practices, less than 3% of all plaintiffs with pending suits nationwide have filed in the federal MDL.

in the country will exert enormous settlement pressure on Petitioners, as it would on any company. Plaintiffs count on that pressure to insulate these courts' rogue approach to jurisdiction from correction by this Court.

Postponing review would not assist the Court and would instead compound the harm to Petitioners and to the preterm infants who depend on these nutrition products. The decision below reflects a clear departure from this Court's settled precedents. Illinois courts will merely replicate the same errors until this Court intervenes. Petitioners respectfully request that the Court step in now to grant the Petition or to consider summary reversal.

CONCLUSION

The Court should grant the petition for a writ of certiorari. In the alternative, the Court should summarily reverse the state court's determination that Petitioners are subject to general and specific personal jurisdiction for claims of out-of-state plaintiffs in this matter.

Respectfully submitted,

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