

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

**Nikolette Hobbs, individually and on behalf of her deceased child,
Noah Patrick Hobbs v. Pediatric Kid-Med, LLC, Dergal Fay
Burbank, M.D., MPH, Rajesh K. Sharama, M.D., F.A.A.P., Mead
Johnson & Company, LLC, Mead Johnson Nutrition Company, and
Reckitt Benckiser Group, LLC**

Hobbs · No. 25-224 · Decided December 23, 2025

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Defendants’ Rule 12(b) (6) motion to dismiss claims arising from the death of a premature infant allegedly caused by consumption of cow’s-milk-based infant formula. The court held that Plaintiff plausibly pleaded design-defect, failure-to-warn, and breach-of-express-warranty claims under the Louisiana Products Liability Act, but failed to state a manufacturing or construction defect claim. The action was permitted to proceed to discovery on the surviving claims.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Eldon E. Fallon
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	December 23, 2025
DOCKET	25-224
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the amended complaint asserting four theories under the Louisiana Products Liability Act. The court denied the motion as to the design-defect, failure-to-warn, and express-warranty claims, but dismissed the manufacturing/construction-defect claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, views the complaint in the light most favorable to the plaintiff, draws reasonable inferences for the plaintiff, and determines whether the facts plausibly state a claim for relief.

Conclusory allegations, unwarranted factual inferences, and legal conclusions are not accepted as true.

PRECEDENTIAL VALUE

nonprecedential

TOPICS

motions to dismiss

strict liability

wrongful death

damages

civil procedure

PRACTICE AREAS

civil procedure

products liability

torts

health law

remedies

QUESTIONS PRESENTED

1. Whether the amended complaint plausibly pleaded a manufacturing or construction defect under the Louisiana Products Liability Act.
2. Whether the amended complaint plausibly pleaded a design defect, including the existence of an alternative design and the required burden-versus-harm allegations.
3. Whether the amended complaint plausibly pleaded failure to warn regarding the alleged risks of cow's-milk-based products for premature infants.
4. Whether the amended complaint plausibly pleaded breach of an express warranty, including an express representation, inducement, nonconformity, and proximate causation.

HOLDINGS

1. The amended complaint failed to state a plausible manufacturing or construction defect claim because it did not allege that the particular formula consumed by Noah deviated from the manufacturer's specifications, performance standards, or otherwise identical products.
2. The amended complaint plausibly stated a design-defect claim under the LPLA because it alleged alternative human-milk-based designs that could have prevented the injury and pleaded sufficient facts to raise the burden-balancing issue above the speculative level.
3. The amended complaint plausibly stated a failure-to-warn claim because it alleged medical research linking cow's-milk-based products to necrotizing enterocolitis and death in premature infants and alleged that defendants failed to warn of those risks or provide instructions to avoid them.
4. The amended complaint plausibly stated a breach-of-express-warranty claim because it alleged that defendants marketed cow's-milk-based products as safe and as equal or superior substitutes for breast milk, that the representations induced use by physicians or others, and that the alleged warranty was untrue and proximately caused the injury.

KEY QUOTATIONS

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim for relief that is plausible on its face.'" (Section III)

“Plaintiff is entitled to proceed to discovery on her design defect claim.” (Section IV.B)

“For the foregoing reasons, IT IS ORDERED that the motion to dismiss the amended complaint for failure to state a claim filed by Defendants is DENIED.” (Conclusion)

FACTUAL BACKGROUND

Noah Hobbs was born prematurely on September 13, 2023, with low birth weight, and was fed breast milk fortified with infant formula. After several formula changes, physicians prescribed Nutramigen with Probiotic LGG Hypoallergenic Infant Formula Powder with Iron, which was also used to fortify breast milk. Noah began vomiting three days later, was hospitalized and placed on a ventilator, and died on October 26, 2023. Plaintiff alleged that the cow’s-milk-based formula caused his death and asserted four Louisiana Products Liability Act theories.

PROCEDURAL HISTORY

Plaintiff filed suit after the death of her premature infant, alleging that infant formula manufactured by defendants caused the death. Plaintiff amended the complaint to assert design defect, inadequate warning, breach of express warranty, and construction or manufacturing defect under the Louisiana Products Liability Act. Defendants moved to dismiss the amended complaint for failure to state a claim, and the court denied the motion in part and granted it in part.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2008)
- Baker v. Putnal, 75 F.3d 190, 196 (5th Cir. 1996)
- Arias-Benn v. State Farm Fire & Cas. Co., 495 F.3d 228, 230 (5th Cir. 2007)
- Plotkin v. IP Axess Inc., 407 F.3d 690, 696 (5th Cir. 2005)
- Learmonth v. Sears, Roebuck & Co., 710 F.3d 249, 258 (5th Cir. 2013)
- Baudin v. AstraZeneca Pharm. LP, 413 F. Supp. 3d 498, 503, 507, 510 (M.D. La. 2019)
- Lewis v. Baxter Int’l, Inc., No. 16-16391, 2017 WL 661324, at *3 (E.D. La. Feb. 17, 2017)
- Guidry v. Janssen Pharms., 206 F. Supp. 3d 1187, 1197–98 (E.D. La. 2016)
- Flagg v. Stryker Corp., 647 F. App’x 314, 316, 318 (5th Cir. 2016)
- In re S. Scrap Material Co., 541 F.3d 584, 587 (5th Cir. 2008)
- Donald v. AstraZeneca Pharms., LP, No. 15-4591, 2017 WL 1079186, at *3 (E.D. La. Mar. 22, 2017)
- Stahl v. Novartis Pharm. Corp., 283 F.3d 254, 261 (5th Cir. 2002)
- Colbert v. Sonic Rests., Inc., 741 F. Supp. 2d 764, 770 (W.D. La. 2010)
- Bjorklund v. Novo Nordisk A/S, 705 F. Supp. 3d 636, 641 (W.D. La. 2023)

- Caboni v. Gen. Motors Corp., 278 F.3d 448, 452 (5th Cir. 2002)
- Fuller v. Eisai Inc., 513 F. Supp. 3d 710, 722 (E.D. La. 2021)
- Boutte v. Stryker Biotech, LLC, 67 F. Supp. 3d 732, 738–39 (5th Cir. 2014)

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