

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

CHRISTOPHER URQHART, Individually,)	
and as Widower of NANCY JUNE)	
URQHART, deceased, and AMY EHLERS,)	
Individually, and as daughter of NANCY)	
JUNE URQHART, deceased,)	
)	
Plaintiff,)	Cause No.
)	
v.)	WRONGFUL DEATH
)	
ABIOMED, INC.,)	
)	
Defendant.)	
)	
)	
)	
)	

PETITION
(Wrongful Death)

NOW COMES Christopher Urqhart and Amy Ehlers, hereinafter referred to as Plaintiffs, by and through their attorneys, McGlynn and McGlynn, and Michael L. McGlynn, and for their general allegations against Defendant Abiomed, Inc. (“Abiomed”), states as follows:

1. Plaintiffs are residents of the State of Illinois.
2. Plaintiffs bring this action pursuant to the Missouri Wrongful Death Statute 537.080 et Seq.
3. Christopher Urqhart is the Widower Nancy June Urqhart, who died September 12, 2022.
4. Nancy June Urqhart is survived by her husband, Christopher Urqhart and her daughter, Amy Ehlers. Nancy Urqhart, hereinafter referred to as Plaintiff-Decedent, was had no other living children at the time of her death.
5. Plaintiffs are entitled to bring this wrongful death cause of action as the heirs at law who may sue pursuant to Mo. Rev. Stat. 537.080.

6. At all times relevant, Defendant, Abiomed, Inc., hereinafter referred to as Abiomed, is a foreign corporation in good standing doing business in the State of Missouri with the capacity to sue and be sued in its own name.

7. Plaintiff's claims arise from treatment resulting in her death on September 12, 2022.

8. The hereinafter acts complained of took place in the City of St. Louis and therefore venue is proper in the Circuit Court for the City of St. Louis.

9. On September 9, 2022, Plaintiff-Decedent, Nancy June Urqhardt, presented to SSM St. Louis University Hospital in St. Louis, Missouri and underwent a "Mitral Valve Replacement" open heart surgical procedure.

10. Following Plaintiff-Decedent's open heart surgery Defendant's Impella, which had been used during the procedure, caused her to suffer from "intravascular hemolysis."

11. Defendant's Impella was designed and manufactured to be used as a pump during cardiac surgery.

12. The Impella utilized during Plaintiff's surgery, "Impella LDA Abiomed 5.5," had not been used before and was being used for the purpose for which it was manufactured.

13. At the time the Impella in question was manufactured, sold, distributed, or otherwise left the control of Defendant, it was unreasonably dangerous as the lead of the impella, which was supposed to release after the surgical procedure was completed, was improperly manufactured.\

14. As a proximate result of the aforesaid unreasonable dangerous condition, the "Impella LDA Abiomed 5.5," presented an unreasonable danger of injury to intended users of the product.

15. As a result of the complications caused by the Impella, Plaintiff-Decedent died on September 12, 2024.

16. Defendant further breached its implied warranty of merchantability which caused the Plaintiff-Decedent's death.

17. That as a direct and proximate result of one or more of the foregoing defects, and in consequences thereof, Plaintiff-Decedent suffered severe injuries, pain and suffering, and death.

18. By reason of the wrongful death of Plaintiff-Decedent, Plaintiffs have sustained damages including:

- a. Great pecuniary losses suffered by reason of the death;
- b. Funeral expenses;
- c. Deprivation of services, companionship, comfort, instruction, guidance, counsel, training, and support;
- d. Damages for great suffering by Plaintiff-Decedent before her death between the time of the open heart surgery until the time of her death;
- e. The conduct of Defendant, Abiomed, created a high degree of probability of injury and death and showed complete disregard for the safety of others, including Plaintiff-Decedent, justifying the award of exemplary damages in such amount to deter Defendant, Abiomed, from like conduct in the future.

WHEREFORE, Plaintiff prays judgment for an amount exceeding Seventy-Five Thousand (\$75,000) as will fairly and adequately compensate the Plaintiffs for the damages sustained, exemplary damages and costs of this action and such other further relief the Court deems proper.

Respectfully submitted,

/s/ Michael L. McGlynn

Michael L. McGlynn (35370)

McGlynn & McGlynn

116 S. Charles Street

Belleville, IL 62220

P: 618-234-8800

F: 618-234-8813

mmcglynn@mcglynnandmcglynn.com

Attorney for Plaintiffs

IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

CHRISTOPHER URQHART, Individually,)	
and as Widower of NANCY JUNE)	
URQHART, deceased, and AMY EHLERS,)	
Individually, and as daughter of NANCY)	
JUNE URQHART, deceased,)	
)	
Plaintiff,)	Cause No.: 2422-CC10841
)	
v.)	
)	WRONGFUL DEATH
ABIOMED, INC.,)	
)	
Defendant.)	

REQUEST FOR SUMMONS

COMES NOW Plaintiffs Christopher Urqhart and Amy Ehlers, by and through their attorneys, McGlynn & McGlynn and Michael L. McGlynn, and hereby requests the Court to issue Summons to the Defendant, Abiomed, Inc., for service at the following address:

Defendant, Abiomed Inc.
Registered Agent: Corporation Services Company
84 State Street
Boston, Massachusetts 02109

Respectfully Submitted,

/s/ Michael L. McGlynn
Michael L. McGlynn (#35370)
McGlynn & McGlynn
116 South Charles Street
Belleville, IL. 62220
Phone: (618) 234-8800
Fax: (618) 234-8813
MMcGlynn@mcglynnandmcglynn.com
Attorney for Plaintiff



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2422-CC10841
Plaintiff/Petitioner: CHRISPTOPHER URQHART	Plaintiff's/Petitioner's Attorney/Address: MICHAEL LAWRENCE MCGLYNN 116 SO CHARLES STREET BELLEVILLE, IL 62220
Defendant/Respondent: ABIOMED, INC.	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Wrongful Death	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

The State of Missouri to: **ABIOMED, INC.**
Alias:
CORPORATION SERVICES COMPANY
84 STATE STREET
BOSTON, MA 02109

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

September 16, 2024

Date

Thomas Hoeyinger
Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - delivering a copy of the summons and petition to the defendant/respondent.
 - leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - other: _____

Served at _____ (address)

in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
 - the judge of the court of which affiant is an officer.
 - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
 - authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons	\$ _____	
Non Est	\$ _____	
Mileage	\$ _____	(_____ miles @ \$ _____ per mile)
Total	\$ _____	

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

AFFIDAVIT OF SERVICE

2422-CC10841, CITY OF ST. LOUIS, MO ,



STATE: ILLINOIS NOTARIZED COUNTY: MADISON JOB NO: 251217
United States of America

I, Gregory K. Kellerman, being duly sworn on oath, state that I effected service as follows:

CLIENT: MCGLYNN AND MCGLYNN ATTORNEYS AT LAW**
TYPE OF DOCUMENT: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI; PETITION
TYPE OF SERVICE: CORPORATE SERVICE

- 1.NAME OF PERSON ATTEMPTED UPON: ABIOMED, INC.
- 2.DOCUMENT GIVEN TO IF DIFFERENT: BAYLON ELFGEN, OPERATIONS SPECIALIST,
- 3.DESCRPTION: Sex: Male - Skin: Caucasian - Hair: Red-Brown - Approx. Age: 27 - Height: 6'0 - 6'2 APX - Weight: 260-280 APX
- 4.ADDRESS: ILLINOIS CORPORATION SERVICE, 801 ADLAI STEVENSON DRIVE, SPRINGFIELD IL 62703
- 5.DATE: 10/04/2024 Time of Service: 4:12 PM
- 6.COURT DATE:

CASE NUMBER : 2422-CC10841

CASE NAME:

**CHRISTOPHER URQHART
VS
ABIOMED, INC.**

Comments: The service was completed on October 4th, 2024 at 4:12 pm. The documents were accepted by BAYLON ELFGEN as OPERATIONS SPECIALIST. A signature was not provided. A photograph of the service location was obtained.

Signed and sworn to before me on this 8th day of October, 2024.

Julia M. Clanney
Notary Public

Gregory K. Kellerman
Gregory K. Kellerman
License(s): 115-001758

Cost of Service:



KELLERMAN INVESTIGATIONS LTD
IL. DET. LIC: 117-001201
GLEN CARBON, IL 62034
618-288-6662

OFFICIAL SEAL *251217*
JULIA M CLANNAY
MADISON COUNTY STATE OF ILLINOIS
EXP. 09/10/2026



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2422-CC10841
Plaintiff/Petitioner: CHRISPTOPHER URQHART	Plaintiff's/Petitioner's Attorney/Address: MICHAEL LAWRENCE MCGLYNN 116 SO CHARLES STREET BELLEVILLE, IL 62220
Defendant/Respondent: ABIOMED, INC.	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Wrongful Death	

(Date File Stamp)

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The State of Missouri to: ABIOMED, INC.
Alias:
CORPORATION SERVICES COMPANY
84 STATE STREET
BOSTON, MA 02109

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

September 16, 2024

Date

Thomas Klopffinger
Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - delivering a copy of the summons and petition to the defendant/respondent.
 - leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - (for service on a corporation) delivering a copy of the summons and petition to Gaylon Kitzgen (name) Operations Specialist (title).
 - other: _____

Served at 801 Andrew Stevenson Dr Springfield IL 62703 (address)
in Sangamon County, IL (state), on 10/16/24 (date) at 4:12 PM (time).

Gregory H. Kellerman
Printed Name of Sheriff or Server

JK (day) October (month) 2024 (year).
Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

- I am: (check one)
- the clerk of the court of which affiant is an officer.
 - the judge of the court of which affiant is an officer.
 - authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
 - authorized to administer oaths. (use for court-appointed server)

Julia M. Clanney
Signature and Title

OFFICIAL SEAL
JULIA M. CLANNAY
MADISON COUNTY STATE OF ILLINOIS
EXP. 09/10/2026

Electronically Filed - CITY OF ST. LOUIS - October 14, 2024 - 09:49 AM

Service Fees

Summons	\$ _____	
Non Est	\$ _____	
Mileage	\$ _____	(_____ miles @ \$ _____ per mile)
Total	\$ _____	

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Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

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