

STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

STANTON HAWKINSON, as Trustee for the
Next-of-Kin of CAROLYN HAWKINSON,
Decedent,

Court File No.: 27-CV-07-21876
Judge: Deborah Hedlund

Plaintiff,

vs.

INTERSTATE MEAT SERVICES, INC. n/k/a
FALK PROPERTIES, INC.; and J-PATRICK
— T ENTERPRISES, INC. d/b/a TABAKA'S
SUPER VALU,

Defendants,

and

NEBRASKA BEEF, LTD.,

Defendant and
Third-Party Plaintiff,

vs.

SALEM LUTHERAN CHURCH,

Third-Party Defendant.

**THIRD-PARTY COMPLAINT
OF DEFENDANT AND
THIRD-PARTY PLAINTIFF
NEBRASKA BEEF, LTD.**

JURY TRIAL DEMANDED

DEFENDANT AND THIRD-PARTY PLAINTIFF Nebraska Beef, Ltd., as and for its
Third-Party Complaint herein, states and alleges as follows:

I.

That Defendant and Third-Party Plaintiff Nebraska Beef, Ltd. (hereinafter, "NBL") has
been served with a Complaint, a copy of which is attached hereto as Exhibit A.

II.

That NBL has interposed an Answer to said Complaint, a copy of which is attached hereto as Exhibit B.

III.

That it is alleged in the Complaint that, on or about July 19, 2006, decedent Carolyn Hawkinson consumed contaminated ground beef meatballs at a smorgasbord dinner at Third-Party Defendant Salem Lutheran Church.

IV.

That, upon information and belief, any ground beef meatballs consumed by decedent Carolyn Hawkinson on or about July 19, 2006 were prepared and/or cooked by Third-Party Defendant Salem Lutheran Church and/or its agents or employees.

V.

That, upon information and belief, an environmental assessment of the church kitchen and food preparation procedures by the Minnesota Department of Health indicated that there was a high potential of cross-contamination between ground beef and other food during food preparation.

VI.

That, upon information and belief, the damages sustained by the Plaintiff, if any, are the direct and proximate result of the negligence and/or other fault for tortious conduct of Third-Party Defendant Salem Lutheran Church.

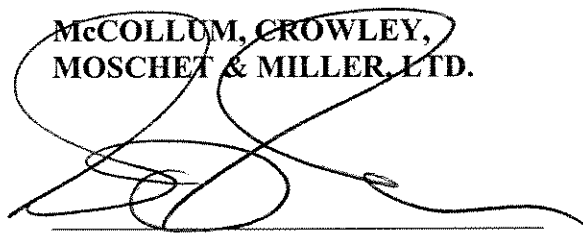
VII.

That NBL is entitled to contribution and/or indemnity, as may be appropriate, from Third-Party Defendant Salem Lutheran Church for all or any portion of the sums for which NBL may be adjudged liable to the Plaintiff herein.

WHEREFORE, Defendant and Third-Party Plaintiff Nebraska Beef, Ltd. hereby demands judgment against Third-Party Defendant Salem Lutheran Church by way of contribution and/or indemnity, as may be appropriate, for all or any portion of the sums for which Defendant and Third-Party Plaintiff may be adjudged liable to the Plaintiff herein, in addition to its reasonable costs and expenses herein.

Dated: October 23, 2007

**McCOLLUM, CROWLEY,
MOSCHET & MILLER, LTD.**



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Plaintiff Nebraska Beef, Ltd.*