

BJ's Wholesale Club agreed to pay \$11 million

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BJ's Wholesale Club, Inc. and a meat supplier last week agreed to pay \$ 11 million to the family of a New York girl who became ill after eating contaminated hamburgers.

Attorneys for Katelyn Koesterer, who suffered life-threatening injuries including hemolytic ueremic syndrome, sued the store for selling adulterated meat that was found to contain E. coli O157:H7. The Koesterer family bought the 90% ground beef at the West Nyack, N.Y., store in May 2002. The family of another girl, Christinia Graff, also sued the retailer after she became ill from eating contaminated hamburgers served at the Koesterer house.

Koesterer's attorney William Marler also represents a young boy whose family bought tainted hamburger from another BJ's Wholesale Club store. That family's meat matched the genetic profile of the meat bought at the West Nyack store.

The boy's lawsuit is still ongoing, said Marler, who refrained from commenting on the \$ 11 million settlement due to a court-imposed confidentiality agreement. However, he did add that the amount "is never enough to make it right," since the 8-year-old girl will have "life-long" health problems as a result of her injuries.

The family's lawsuit has triggered others down the meat-handling supply chain. BJ's Wholesale Club sued meat distributor C&S Wholesale Grocers, Inc., which then sued its meat supplier, Taylor Packing Co., Inc. and Moyer Packing. C&S also charged the meat supplier with failing to obtain insurance to cover these types of claims. Moyer argued that the meat was contaminated after it left its control.