

Boy's family settles lawsuit over E. coli

January 7, 2005

The family of a Madison County boy whose E. coli illness led to a 1998 recall of hamburger sent to schools, military posts and prisons in the South has settled with the insurer of the Bauer Meat Co. of Florida for an undisclosed amount.

Bill Marler, attorney for Stephen Tyler Roberts and his parents, Gary and Cheryl Roberts of Comer, said the settlement was completed Wednesday.

It must be approved by the U.S. District Court in Athens. The money will be held in trust for any future medical needs of Stephen, now 13.

In April 1998, the then-fifth-grader was hospitalized and needed several blood transfusions from a disease triggered by E. coli-contaminated food.

After several other children at Danielsville Elementary School complained of diarrhea and stomach distress, an investigation found that hamburger served in the school cafeteria was contaminated with E. coli O157:H7, a lethal strain of the bacteria that can cause illness and even death.

The meat was supplied by Bauer Meat Co. in Ocala, Fla. The company has since declared bankruptcy.

Federal food safety inspections led to a recall of 38,000 pounds of Bauer hamburger that had been sold to numerous government institutions in Georgia and North Carolina.

No other lawsuits resulted from the incident.

Stephen did not need dialysis to help him recover, a scenario many young children undergo when their kidneys shut down from E. coli poisoning. However, future consequences resulting from the E. coli episode may be further complicated by the boy's diabetes, said Marler, a Seattle attorney specializing in food-borne lawsuits. "With diabetes, it's harder to predict what the long-term damage of E. coli will be," he said. "But, now he's doing great."

Marler contends U.S. schoolchildren continue to be at risk for eating contaminated meat because school districts get the beef for free from the U.S. Department of Agriculture's school lunch program, which has bought the lower-grade beef at reduced prices. The USDA is the same federal agency overseeing meat plant safety. Two schools in Washington and Texas had E. coli outbreaks last year.

"It is time for the USDA to act to ensure that our children are not eating food that is contaminated," Marler said.

The USDA is currently being probed for its school lunch program by the General Accounting Office, the investigative arm of Congress.