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SUMMONS

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(Rev.12/3/01) CCG 0001

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT,           LAW           DIVISION

(Name all parties)

KENNETH SEARCY and DONNA SEARCY,  
individually and as a married couple,

v.

IRAN ECHO INTERNATIONAL CORP., d/b/a  
PARS COVE EAST,

No. \_\_\_\_\_

2007L007668  
CALENDAR/ROOM A  
TIME 00:00  
Product Liability

SUMMONS

Max B. Pars, Registered Agent  
435 W. Diversey  
Chicago, IL 60614

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the office of the Clerk of this Court at the following location:

~~XXX~~ Richard J. Daley Center, 50 W. Washington, Room \_\_\_\_\_, Chicago, Illinois 60602

District 2 - Skokie  
5600 Old Orchard Rd.  
Skokie, IL 60077

District 3 - Rolling Meadows  
2121 Euclid  
Rolling Meadows, IL 60008

District 4 - Maywood  
1500 Maybrook Ave.  
Maywood, IL 60153

District 5 - Bridgeview  
10220 S. 76th Ave.  
Bridgeview, IL 60455

District 6 - Markham  
16501 S. Kedzie Pkwy.  
Markham, IL 60426

You must file within 30 days after service of this summons, not counting the day of service.  
IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

Atty. No.: 32700  
Name: Gary A. Newland  
Atty. for: Plaintiffs  
Address: 121 S. Wilke Road, Ste. 101  
City/State/Zip: Arlington Heights IL 60005  
Telephone: (847) 797-8000

WITNESS, **DOROTHY BROWN JUL 24 2007**

\_\_\_\_\_  
Clerk of Court

Date of service: \_\_\_\_\_  
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: \_\_\_\_\_

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

APPEARANCE FEES INCLUDE A COUNTY LAW LIBRARY FEE OF \$13.00, THE COURT AUTOMATION FEE OF \$15.00, A DOCUMENT STORAGE FEE OF \$15.00 AND THE MANDATORY ARBITRATION FEE OF \$10.00 WHERE APPLICABLE.

JURY FEES ARE AS FOLLOWS:

APPEARANCE FEES (BASED ON AMOUNT OF CLAIM) (ALL CASES; NO DISPUTE RESOLUTION CHARGED)	
FORCIBLE DETAINER (POSSESSION ONLY)	\$133.00
\$1500.00 OR LESS	\$133.00
\$1500.00 TO \$15,000.00	\$143.00
MORE THAN \$15,000.00	\$163.00

CLAIMS FOR DAMAGES NOT IN EXCESS OF \$10,000.00  
 \*SIX-PERSON \$12.50  
 \*TWELVE-PERSON JURY \$25.00 or  
 \$12.50 if another party paid for a jury of six

CLAIMS FOR DAMAGES NOT IN EXCESS OF \$15,000.00  
 \*SIX-PERSON \$115.00  
 \*TWELVE-PERSON JURY \$230.00 or  
 \$115.00 if another party paid for a jury of six

CLAIMS FOR DAMAGES IN EXCESS OF \$15,000.00  
 \*TWELVE-PERSON JURY \$230.00

\*THESE FEES MAY BE WAIVED BY APPROPRIATE COURT ORDER. YOU HAVE THE RIGHT TO FILE A PETITION SEEKING SUCH AN ORDER.

NOTICE TO PLAINTIFF

You MUST select a return day of:

- not less than 14 or more than 40 days after issuance of summons if amount claimed is \$5000 or less;
- not less than 21 or more than 40 days after issuance of summons if amount claimed is in excess of \$5000.

NOTICE TO DEFENDANT

1. If the complaint is notarized, your answer must be notarized.

For District 1 Cases Only:

2. On the specified Return Day, one of the following may occur:
  - a. If you are sued for \$5000.00 or less, you need not file an answer unless ordered to do so by the Court.
    - (i) If Plaintiff is not present, the case may be dismissed for want of prosecution.
    - (ii) If you have not filed an appearance, or you have filed an appearance and are not present, the Plaintiff may obtain an ex parte default judgment against you for the amount claimed.
    - (iii) If you have filed an appearance and are present on Return Day, trial may be held that day, or may be set for another day certain.
  - b. If you are sued for more than \$10,000.00, and if you have filed your appearance on time, you must file your answer no later than 10 days after the appearance date (return date) specified on the front of this form. If you have not filed your appearance or answer on time, the Plaintiff may obtain an ex parte default judgment against you for the amount claimed. If Plaintiff is not present for the Default call, the case may be dismissed for want of prosecution. If you filed your appearance and have not filed your answer on time the Plaintiff may motion the court to enter a judgment.
3. Late filing of an appearance or answer will not relieve you from a judgment or default order except by court order.

For District 2, 3, 4, 5 and 6 Cases:

4. If you are sued for more than \$5000.00, you have 10 days from the Return Day to answer or otherwise plea.
5. On the specified Return Day, if you are sued for \$5000.00 or less, you need not file an answer unless ordered to do so by the Court.
6. On the specified Status/Trial Day, one of the following may occur:
  - a. If Plaintiff is not present, the case may be dismissed for want of prosecution.
  - b. If you have not filed an appearance, or you have filed an appearance and are not present, the Plaintiff may obtain an ex parte default judgment against you for the amount claimed.
  - c. If you have filed an appearance and are present on Status/Trial Day, trial may be held that day, or may be set for another day certain.

The following is applicable to District 3 cases only:

7. This case may/may not be heard on the day for appearance specified in summons.
8. If the claim is for personal injury, or is a civil case in which Plaintiff has filed a jury demand, you will be required to file your appearance in person or by attorney Return Day, and your answer as required by Par. 2(b) above. These cases will be assigned and heard in the Civil Jury Room \_\_\_\_\_ unless otherwise ordered by the Presiding Judge. Neither Plaintiff nor Plaintiff's attorney will be required to be present on Return Day. The case will be set for Status at 9:00 a.m., approximately 60 days from the date of filing. Plaintiff and Defendant will be required to appear in court on that status day.

STATE OF ILLINOIS ) ATTY CODE 32700  
 ) SS  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY  
COOK COUNTY, LAW DIVISION

KENNETH SEARCY and DONNA )  
SEARCY, individually and as a )  
A married couple, )

Plaintiffs, )

vs. )

IRAN ECHO INTERNATIONAL )  
CORP. d/b/a PARS COVE EAST, )

Defendants. )

No. \_\_\_\_\_

2007L007668  
CALENDAR/ROOM A  
TIME 00:00  
Product Liability

**TWELVE JURORS**

FILED  
07 JUL 24 AM 10:27  
CLERK  
DORIS BROWN  
CIRCUIT COURT OF COOK  
COUNTY ILLINOIS  
CLERK

COMPLAINT AT LAW

COME NOW the plaintiffs KENNETH SEARCY and DONNA SEARCY, by and through their attorneys, MARLER CLARK, L.L.P., P.S. and NEWLAND, NEWLAND, AND NEWLAND, complaining of the Defendant IRAN ECHO INTERNATIONAL CORP. d/b/a PARS COVE EAST, and to allege and state as follows:

**I.**

PARTIES

1.1 The plaintiffs, Kenneth and Donna Searcy, are residents of Romeoville, Illinois.

1.2 The defendant Iran Echo International Corp. D/B/A Pars Cove East ("Pars Cove") was, at all times relevant to the allegations contained in this complaint, a corporation organized under the laws of the State of Illinois, with its principle place of

business located at 435 W. Diversey, Chicago, Illinois.

## II.

### RELEVANT FACTS

#### 2.1 THE OUTBREAK:

2.1.1 On Wednesday, July 11, 2007, the City of Chicago Department of Public Health (CDPH) announced that the agency was investigating a number of cases of Salmonellosis that, at the time, appeared to be related to consumption of foods served at the Pars Cove Persian Cuisine booth at the Taste of Chicago festival, which lasted from June 29 to July 8, 2007.

2.1.2 In what was reported to be the first confirmed outbreak of foodborne illness associated with Taste of Chicago in 20 years, CDPH announced that 17 people appeared to have illnesses associated with the Pars Cove Taste of Chicago booth; five had been confirmed as suffering Salmonella infections, several sought medical care and at least three were admitted to hospitals. CDPH urged anyone who had visited the Pars Cove booth and was experiencing symptoms of gastrointestinal illness to contact a health care provider and report their illness to the health department.

2.1.3 By July 12, CDOH had received 126 reports of illness related to the Pars Cove booth at Taste of Chicago. Nine of the cases had been lab-confirmed as Salmonellosis, and more results were pending. By the 13th, the numbers had jumped to 378 reports of illness and 32 culture-confirmed cases of Salmonellosis; 12 people were known to have been hospitalized. In a press release, CDPH announced that hummus shirazi, a fresh herb tomato cucumber salad over a bed of hummus, was the only dish

served at the Pars Cove booth that was associated with illness. CDPH had yet to determine whether the hummus dish had been contaminated by an ill food worker, or if a food ingredient was the source of contamination.

2.1.4 Over the weekend, more cases continued to be reported, and on Monday, July 16, CDOH stated in a press release that 529 people had reported becoming ill after eating at the Pars Cove Persian Cuisine booth at Taste of Chicago. CDOH announced that 50 cases had been culture-confirmed with more cases pending, and that the lab had identified 36 of the 50 confirmed cases to be Salmonella Heidelberg; seventeen hospitalizations had been reported to CDOH.

2.1.5 CDOH issued another update on Tuesday, July 17. At the time of the report, 636 people had reported becoming ill after eating food purchased from the Pars Cove booth at Taste of Chicago. Sixty-six cases had been laboratory-confirmed as Salmonella, and of those 66, 41 have been identified as Salmonella Heidelberg, the outbreak strain. CDOH also reported that 25 people had been hospitalized.

2.1.6 By July 20, CDOH announced that the public health agency had received 717 reports of illness from people who had eaten food purchased at the Pars Cove booth at Taste of Chicago. Of those people, 116 were laboratory-confirmed as being ill with Salmonella infections, and 31 people had been hospitalized.

## **2.2 THE PLAINTIFFS' SALMONELLA INFECTIONS:**

2.2.1 Kenneth and Donna Searcy attended the Taste of Chicago festival on or about July 2, 2007, arriving before 10:00 a.m. They walked around for a short time; and

the first food that they sampled at the festival was from the defendant's booth. Unfortunately, both Mr. and Mrs. Searcy ate the hummus shirazi.

2.2.2 Illness began for Kenneth Searcy in the late-evening hours. His stomach became upset and cramped and soon felt bloated. Mr. Searcy suffered his first bout of diarrhea shortly thereafter.

2.2.3 For Donna Searcy, illness began on or about July 4, 2007, and like her husband's, Mrs. Searcy's symptoms included abdominal cramps, nausea, fatigue, and diarrhea, though Mrs. Searcy's symptoms were not as severe as her husband's.

2.2.4 Kenneth Searcy's symptoms soon grew to include fever, chills, bodyaches, nausea, vomiting, and bloody diarrhea. The worst of his symptoms lasted approximately one week, but his gastrointestinal complaints continued at diminishing levels for some time.

2.2.5 Kenneth and Donna Searcy first learned of the Salmonella outbreak associated with the defendant's food after hearing press reports on or about July 12, 2007. By this point, Mr. and Mrs. Searcy had already missed work due to their illnesses; both are registered nurses. Accordingly, when they informed their supervisors that they had eaten the defendant's food at the Taste of Chicago festival, both were informed that they could not work until they tested negative.

2.2.6 Kenneth and Donna Searcy saw their primary physician on or about July 13, 2007. The physician prescribed the antibiotic ciprofloxacin to treat the suspected bacterial infections, and both Mr. and Mrs. Searcy took home kits from the doctor's office to secure stool samples for testing. Around July 20, 2007, both learned that they had cultured positive for Salmonella bacteria. As of the date of this complaint, neither

has been able to return to work.

## COUNT I

### (STRICT PRODUCT LIABILITY)

1. The plaintiffs incorporate the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs was set forth here in its entirety.

2. The defendant owns and operates the licensed retail food establishment that manufactured and sold the adulterated food that injured the plaintiffs and caused them to become infected with Salmonella.

3. The defendant manufactures food and drink products for sale to the public.

4. Food and drink that is contaminated with Salmonella is unsafe when put to the use reasonably foreseeable considering the nature of the product. Namely, Salmonella contaminated food and drink is unfit for human consumption.

5. The food that the plaintiffs purchased from the defendant was contaminated with Salmonella. The Plaintiffs' consumption of the contaminated food caused them to become infected with Salmonella and suffer injury and illness as a direct and proximate result.

6. The food that the plaintiffs purchased and consumed was contaminated with Salmonella when it left the defendant's control.

7. The defendant is strictly liable to the plaintiffs for the harm proximately caused by its manufacture and sale of an unsafe and defective food product.

## COUNT II

### (NEGLIGENCE)

1. The plaintiffs incorporate the preceding paragraphs of this Complaint, by

this reference, as if each and every of these paragraphs was set forth here in its entirety.

2. The defendant designed, manufactured, distributed, and sold food and drink products that were adulterated with the Salmonella bacteria, a potentially deadly pathogen. These products, as a result of adulteration, were unfit for human consumption, and were not reasonably safe as designed, constructed, manufactured, and sold.

3. The defendant owed a duty to all persons who were its guests and customers to manufacture and sell food and drink that was safe to eat, that was not adulterated with potentially deadly pathogens, like salmonella, and that was not in violation of applicable food and safety regulations.

4. The defendant owed a duty to all persons who were its guests and customers to maintain its premises in a sanitary and safe condition so that no one eating at its restaurant, or from any other place where the defendant manufactured or sold its food, would be exposed to, or infected by, a potentially deadly pathogen, like salmonella.

5. The defendant breached the duties it owed to persons who were its guests and customers by committing the following acts and omissions of negligence:

5.1 Failed to adequately maintain or monitor the sanitary conditions of its food, drink, water, premises, and employees;

5.2 Failed to properly operate its restaurant and other locations where it manufactured and sold its food in a safe, clean, and sanitary manner;

5.3 Failed to prevent the transmission of salmonella from its food, drink, water, premises, or employees to its business invitees and customers;

5.4 Failed to properly train its employees and agents how to prevent the transmission of Salmonella on its premises, or in its food, drink and water;

5.5 Failed to properly supervise its employees and agents to prevent the transmission of Salmonella on its premises, or in its food, drink and water;

5.6 Manufactured and sold adulterated food in violation of 410 ILCS 620/3.2;

5.7 Stored, offered, and delivered food in violation of 410 ILCS 620/3.1 and 410 ILCS 620/3.4;

5.8 Failed to maintain its premises in a clean, sanitary, and healthful manner in violation of 410 ILCS 650/1 and 410 ILCS 650/2.

6. The plaintiffs were injured and sustained personal injury and damages as the proximate result of the defendant's negligent acts and omissions, as set forth above.

### COUNT III

1. The plaintiffs incorporate the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs was set forth here in its entirety.

2. By offering food and drink for sale to the general public at its restaurant, the defendant expressly warranted that such food was safe to eat, that it was not adulterated with a deadly pathogen, and that the food had been safely prepared under sanitary conditions.

3. By offering food and drink for sale to the general public at its restaurant, or any other location where it manufactured and sold its food, the defendant also impliedly warranted that such food was safe to eat, that it was not adulterated with a deadly pathogen, and that the food had been safely prepared under sanitary conditions.

4. The defendant breached its express and implied warranties with regard to the food it manufactured and sold to the plaintiffs.

5. The plaintiffs suffered personal injury and damages as a foreseeable consequence of the defendant's breach of warranties, as set forth above, and are thus entitled to recover for all actual, consequential, and incidental damages that flow directly and in a foreseeable fashion from these breaches.

WHEREFORE, the plaintiffs pray for the following relief:

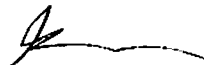
(1) That the Court award them judgment in an amount in excess of the minimum amount to establish jurisdiction in the Law Division of Cook County, against the defendant in such sums as shall be determined to fully and fairly compensate them for all general, special, incidental and consequential damages incurred, or to be incurred, by them as the proximate result of the unlawful acts and omissions of the defendant;

(2) That the Court award them the costs and disbursements and attorneys fees and any other relief which the court deems just and equitable;

(3) That the Court award them the opportunity to amend or modify the complaint, including the addition of a claim for punitive damages, if necessary or appropriate after additional or further discovery is completed in this matter, and after all appropriate parties have been served.

DATED this 24 day of July, 2007.

Respectfully Submitted,  
Newland, Newland & Newland

By:   
\_\_\_\_\_  
Gary A. Newland  
Attorney for Plaintiffs

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