

Surviving in western Pa.

Outbreak: Hepatitis A killed three people and sickened hundreds, but lawsuits move ahead and the restaurant at the focus of the crisis reopens.

MONACA, Pa. - A bright yellow billboard calls out to passers-by - "Hepatitis Claims?" - and displays a law firm's name and phone number along Route 60, just south of this western Pennsylvania town.

A few months ago, the nation's worst outbreak of hepatitis A killed three people and sickened 660 others in the vicinity of this town near Pittsburgh. More than 9,000 frightened people flocked to hospitals for tests and inoculations. When the illness was traced to a Chi-Chi's here, the restaurant voluntarily closed its doors Nov. 2.

The source turned out to be tainted green onions from Mexico, not poor health practices at the restaurant. So when Chi-Chi's reopened the other day, hundreds of loyal customers happily returned, standing in line to get in the door for bargain margaritas and nachos.

"This is probably the safest restaurant to eat at in western Pennsylvania right now," says Adrian Robles, 21, a senior at a local college, while waiting with friends for their order of nachos and chicken wings.

As the billboard on Route 60 attests, however, the health and economic crisis set off by the disturbing epidemic of hepatitis is far from over. And some lawyers in the area say the hepatitis A outbreak is the biggest source of public health litigation in a generation, ever since the steel industry began generating workers' asbestos claims.

Some victims ran up huge medical bills, and many lost days from work. One man required a liver transplant that cost more than \$500,000.

And before the outbreak's cause was determined, public uncertainty kept people away from area businesses - including the Beaver County Mall and other restaurants - during the critical holiday shopping period.

The outbreak "took Beaver County and put it into a national spotlight, and it was a negative reason to be in the spotlight," says Cynthia J. Gitnik, executive director of the Beaver County Chamber of Commerce.

Gitnik says people stopped blaming Chi-Chi's when they realized that any restaurant could have received the tainted onions. Smaller outbreaks in Georgia, North Carolina and Tennessee were also linked to green onions last year.

"We're a small community," says Gitnik. "We don't have a lot of sit-down national chains. And we don't want to lose the ones we get."

The outbreak was a public relations nightmare for Chi-Chi's, which is based in Louisville, Ky., and has 99 restaurants nationwide. The chain had filed for Chapter 11 bankruptcy protection in

early October, because of weak cash flow - before the outbreak.

Since the company was in bankruptcy, it was able to keep the lawsuits at bay, although a Delaware bankruptcy court judge is expected to rule in early February whether suits may proceed against the chain.

Meantime, the bankruptcy court has allowed Chi-Chi's to reimburse victims up to \$3,000 for medical costs and lost wages. So far, Chi-Chi's has paid out \$96,000 in claims, says David A. Ernst, the Portland, Ore., attorney who represents them.

Chi-Chi's essentially has a \$500,000 "deductible" on a \$51 million liability insurance policy, which it expects to dip into after it reaches the limit, Ernst says. He says the \$51 million should be sufficient to satisfy all claims.

Victims might have other avenues for restitution. At least one suit has been filed against producers and suppliers who were implicated as possible sources of the tainted green onions.

While these kinds of legal imbroglios involving major chains and public health crises often take years to resolve, William Marler, a Seattle attorney, expects a speedier outcome.

"Chi-Chi's in bankruptcy is actually a good thing for the victims," says Marler, who represents 120 victims, including the 56-year-old man who needed a liver transplant. "If they want to get out of bankruptcy, they have to get rid of these claims sooner rather than later."

And even if the company doesn't emerge from bankruptcy, the \$51 million liability policy will be a source of restitution, says Scott L. Melton, a Beaver County attorney who represents several victims.

"It helps (Chi-Chi's) to move this along, to have this matter behind them," Melton says.

Even though the hepatitis generated so much suffering and so much legal action, by the time Chi-Chi's reopened here Jan. 15, local sentiment toward the chain restaurant appeared to have come full circle - from anger and antipathy to forgiveness and acceptance.

The outpouring of local support for the restaurant was undeniable. The chain's chief operating officer opened the doors to welcome more than 50 customers who had lined up outside in anticipation of the opening.

"They all realize it could've happened at any restaurant; it wasn't Chi-Chi's fault," says Mary Jo Daley, who works in registration at the Medical Center, Beaver, and calls herself a Chi-Chi's regular.

Hundreds more flowed inside throughout the evening, pushing the wait time for a table to about three hours. More than a half-dozen television, newspaper and radio reporters covered the event. The front-page headline in the local paper - the Beaver County Times - the next day read in large type: "Back and Busy: Hundreds Show Up for Chi-Chi's Reopening."

"Hearing from (customers) while we were closed was a big reason why getting reopened was the right thing to do," says Bill Zaveritnik, the COO.

Meanwhile, Gitnik, the county's Chamber of Commerce director, says area businesses have rebounded, having learned survival skills from earlier setbacks, including US Airways' cutbacks at Pittsburgh International Airport:

"This county survived the steel mills closing, it survived US Airways - it's going to survive hepatitis. We're strong here."