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Attorney for Plaintiff

6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

<p>9 LISA LEAVITT-GARCIA,  10 Plaintiff,  11 vs.  12 TARGET CORPORATION, a foreign corporation d/b/a TARGET; KEHE 13 DISTRIBUTORS, LLC, a foreign limited-liability company; KEHE 14 DISTRIBUTORS, INC., a foreign corporation; KEHE ENTERPRISES, LLC, 15 a foreign limited-liability company; WORLD FINER FOODS, INC., a foreign 16 corporation; and WORLD FINER FOODS, LLC, a foreign limited-liability 17 company; DOES 1-10, inclusive; and ROE ENTITIES 1-10, inclusive,  18 Defendants.</p>	<p>Case No. : Dept. No. :  <b><u>COMPLAINT</u></b>  <b>DEMAND FOR JURY TRIAL</b></p>
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19  
20 COMES NOW Plaintiff, LISA LEAVITT-GARCIA, by and through her attorney of  
21 record, Craig Murphy, Esq. of Murphy & Murphy Law Offices, and alleges and  
22 states as follows:

23 **PARTIES**

- 24 1. At all times relevant to this action, the Plaintiff resided in  
25 Santa Clara County, California. The Plaintiff is therefore a citizen of  
26 the State of California.
- 27 2. At all times relevant to this action, Defendant Target  
28 Corporation was a Minnesota corporation with its principal place of

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1 business located in Minneapolis, Minnesota. Target is therefore a  
2 citizen of the State of Minnesota. At all times relevant to this  
3 action, Target owned and operated the Target retail stores located in  
4 the San Jose area.

5 3. At all times relevant to this action, Defendant KeHE  
6 Distributors, LLC, was a Delaware limited-liability company with its  
7 principal place of business in Naperville, Illinois. On information and  
8 belief, KeHE's only member is Brandon Barnholt, who resides in  
9 Naperville, Illinois. Therefore, KeHE Distributors, LLC is a citizen  
10 of the States of Illinois and Delaware.

11 4. At all times relevant to this action, Defendant KeHE  
12 Distributors, Inc., was a Delaware corporation with its principal place  
13 of business in Naperville, Illinois. Therefore, KeHE Distributors, Inc.  
14 is a citizen of the States of Delaware and Illinois.

15 5. At all times relevant to this action, Defendant KeHE Enterprises,  
16 LLC, was a Delaware corporation with its principal place of business in  
17 Naperville, Illinois. Therefore, KeHE Enterprises, LLC is a citizen of  
18 the States of Delaware and Illinois.

19 6. At all times relevant to this action, Defendant World Finer  
20 Foods, Inc. was a Delaware corporation with its principal place of  
21 business located in Bloomfield, New Jersey. World Finer Foods, Inc. is  
22 therefore a citizen of the States of Delaware and New Jersey.

23 7. At all times relevant to this action, Defendant World Finer  
24 Foods, LLC was a Delaware corporation with its principal place of  
25 business in Bloomfield, New Jersey. World Finer Foods, LLC is therefore  
26 a citizen of the States of Delaware and New Jersey.

27 8. DOES 1 through 10 inclusive are persons, and ROE ENTITIES 1  
28 through 10 are corporations, related subsidiary or parent entities,

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1 associations, or business entities, whose true names and identities and  
2 capacities are unknown to Plaintiff at this time. The DOE Defendants  
3 are individual persons acting on behalf of or in concert with, or at  
4 the direction of, any of the Defendants. The ROE Defendants may be  
5 corporations, associations, partnerships, subsidiaries, holding  
6 companies, owners, predecessor or successor entities, joint ventures,  
7 parent corporations, related business entities or the employer of any  
8 of the Defendants. Each named Defendant and the DOE and ROE Defendants  
9 are legally responsible for the events and happenings stated in this  
10 Complaint, and thus proximately caused injury and damages to Plaintiff.  
11 In particular, said DOE and ROE Defendants are responsible in full or  
12 in part for the manufacture, distribution, processing, preparation,  
13 contamination, and sale of the ingredients in and the I. M. Healthy  
14 brand SoyNut Butter sold to or by Defendants herein. Plaintiff will  
15 ask leave of this Court to insert the true names and capacities for  
16 such DOE and ROE Defendants when discovered to substitute those true  
17 names as defendants into these proceedings for said DOE and ROE  
18 Defendants.

**JURISDICTION AND VENUE**

- 19
- 20 9. This Court has jurisdiction over the subject matter of this  
21 action pursuant to 28 U.S.C. § 1332(a) because the matter in  
22 controversy exceeds \$75,000.00, exclusive of costs, it is between  
23 citizens of different states, and because the Defendants have certain  
24 minimum contacts with the State of California such that maintenance of  
25 the suit in this district does not offend traditional notions of fair  
26 play and substantial justice.
- 27 10. Venue in the United States District Court for the Northern  
28 District of California is proper pursuant to 28 USC § 1391(a)(1) and

1 (2) because the Defendants are subject to personal jurisdiction in this  
2 judicial district, and because a substantial part of the events or  
3 omissions giving rise to the Plaintiff's claims and causes of action  
4 occurred in this judicial district.

5 **FACTS**

6 **The Outbreak**

7 11. In March 2017, the Food and Drug Administration (FDA) and the  
8 Centers for Disease Control and Prevention (CDC), along with state and  
9 local health officials, attributed a multi-state outbreak of Shiga  
10 toxin-producing Escherichia coli O157:H7 to I.M. Healthy brand SoyNut  
11 Butter.

12 12. Epidemiologic investigation by federal, state, and local public  
13 health officials, including Centers for Disease Control and Prevention  
14 (CDC) and Food and Drug Administration (FDA), found that at least 32  
15 people had acquired E. coli O157:H7 infections by consuming  
16 contaminated I.M. Healthy SoyNut Butter. This included resident of  
17 Arizona (4), California (5), Florida (2), Illinois (1), Massachusetts  
18 (1), Maryland (1), Missouri (1), New Jersey (1), Oregon (11), Virginia  
19 (2), Washington (2), and Wisconsin (1). Twelve individuals were  
20 hospitalized due to their infection, and nine developed hemolytic  
21 uremic syndrome (HUS).

22 13. The I.M. Healthy brand of soy nut butter products identified as  
23 the contaminated food item in this outbreak were produced jointly by  
24 The SoyNut Butter Company and Dixie Dew Products, Inc., at a facility  
25 owned by Dixie Dew in Kentucky. On March 28, 2017, once epidemiologic  
26 investigation described previously had identified I.M. Healthy brand  
27 soy nut butter products as the source of the outbreak, the Food and  
28 Drug Administration (FDA) conducted a comprehensive investigation at

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1 the Dixie Dew facility. Among other things, the FDA found:

- 2 a. grossly insanitary conditions;
- 3 b. food contact surfaces, floors, walls, and ceilings in the
- 4 soy nut butter processing and packaging rooms were heavily
- 5 coated with soy nut butter build-up from previous
- 6 production runs;
- 7 c. that Dixie Dew does not routinely wash and sanitize smaller
- 8 pipes, pipe fittings, gaskets, seals, "or the rubber \_\_\_\_\_
- 9 plug" when broken down following a production run;
- 10 d. that Dixie Dew does not conduct a kill step for SoyNut
- 11 Butter product remaining in its mixing kettle leftover from
- 12 a production run;
- 13 e. that certain equipment in the facility routinely shuts off
- 14 during processing—approximately one to two times per day—
- 15 and that the problem has persisted for approximately 15
- 16 years despite repeated maintenance intended to correct the
- 17 problem;
- 18 f. that a thermometer used during the production of the
- 19 subject product has never been verified for accuracy;
- 20 g. that a temperature probe and chart recorder used during the
- 21 production process for the subject product does not
- 22 function properly and has not been used for well over a
- 23 year;
- 24 h. that Dixie Dew's food safety testing program is
- 25 problematic—among other things, due to the failure to
- 26 perform microbial testing where necessary to identify
- 27 possible food contamination;
- 28

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1 i. that FDA inspectors found that testing materials on hand at  
2 Dixie Dew had expired in July 2016 and October 2015  
3 j. that Dixie Dew had a fly infestation problem, and that  
4 small apparent flies and fly larvae, too numerous to count,  
5 were inside an unplugged chest freezer;

6 14. On March 4, 2017, as a result of epidemiologic and environmental  
7 evidence indicating that its soy nut butter products were the source of  
8 the outbreak, The SoyNut Butter Company recalled I.M. Healthy Original  
9 Creamy Soy Nut Butter with "best by" dates July 5, August 30, and  
10 August 31, 2018. This recall also included individual portion cups of  
11 the same product with best by dates in July, August, and November 2018.

12 15. On March 7, 2017, The SoyNut Butter Company expanded its recall  
13 to include all varieties of I.M. Healthy soy nut butters and all  
14 varieties of I.M. Healthy granola products, regardless of production or  
15 best by date.

16 16. Plaintiff was one of multiple individuals to make a claim for  
17 personal injuries against The SoyNut Butter Company and Dixie Dew as a  
18 result of this outbreak. Both companies filed for Chapter 7  
19 bankruptcy, and the assets of these companies available to satisfy  
20 personal injury claims arising from this outbreak, including  
21 Plaintiff's, were insufficient to fairly compensate the claimants.

22 17. Defendants Kehe and World Finer are distributors of various food  
23 products to retail stores and foodservice locations nationally.  
24 Defendants Kehe and World Finer each acquired and distributed recalled  
25 soy nut butter products, including to Target and other retail stores  
26 nationally.

27 18. With regard to the contaminated jar of I.M. Healthy Soy Nut  
28 Butter that Plaintiff purchased at Target, as described below, World

1           Finer acquired this product from The SoyNut Butter Company and  
2           distributed it to Kehe. Kehe then distributed the product to the  
3           Target store location where Plaintiff purchased it.

4           **E. coli O157:H7**

5           19.           E. coli is an archetypal commensal bacterial species that lives  
6           in mammalian intestines. E. coli O157:H7 is one of thousands of  
7           serotypes Escherichia coli. The combination of letters and numbers in  
8           the name of the

9           20.           E. coli O157:H7 refers to the specific antigens (proteins which  
10           provoke an antibody response) found on the body and tail or flagellum  
11           respectively and distinguish it from other types of E. coli. Most  
12           serotypes of E. coli are harmless and live as normal flora in the  
13           intestines of healthy humans and animals. The E. coli bacterium is  
14           among the most extensively studied microorganism. The testing done to  
15           distinguish E. coli O157:H7 from its other E. coli counterparts is  
16           called serotyping. Pulsed-field gel electrophoresis (PFGE), sometimes  
17           also referred to as genetic fingerprinting, is used to compare E. coli  
18           O157:H7 isolates to determine if the strains are distinguishable. A  
19           technique called multilocus variable number of tandem repeats analysis  
20           (MLVA) is used to determine precise classification when it is difficult  
21           to differentiate between isolates with indistinguishable or very  
22           similar PFGE patterns.

23           21.           E. coli O157:H7 was first recognized as a pathogen in 1982 during  
24           an investigation into an outbreak of hemorrhagic colitis associated with  
25           consumption of hamburgers from a fast food chain restaurant.  
26           Retrospective examination of more than three thousand E. coli cultures  
27           obtained between 1973 and 1982 found only one (1) isolation with  
28           serotype O157:H7, and that was a case in 1975. In the ten (10) years

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1 that followed there were approximately thirty (30) outbreaks recorded  
2 in the United States. This number is likely misleading, however,  
3 because E. coli O157:H7 infections did not become a reportable disease  
4 in any state until 1987 when Washington became the first state to  
5 mandate its reporting to public health authorities. As a result, only  
6 the most geographically concentrated outbreak would have garnered  
7 enough notice to prompt further investigation.

8 22. E. coli O157:H7's ability to induce injury in humans is a result  
9 of its ability to produce numerous virulence factors, most notably  
10 Shiga-like toxins. Shiga toxin (Stx) has multiple variants (e.g. Stx1,  
11 Stx2, Stx2c), and acts like the plant toxin ricin by inhibiting protein  
12 synthesis in endothelial and other cells. Shiga toxin is one of the  
13 most potent toxins known. In addition to Shiga toxins, E. coli O157:H7  
14 produces numerous other putative virulence factors including proteins,  
15 which aid in the attachment and colonization of the bacteria in the  
16 intestinal wall and which can lyse red blood cells and liberate iron to  
17 help support E. coli metabolism.

18 23. E. coli O157:H7 evolved from enteropathogenic E. coli serotype  
19 O55:H7, a cause of non-bloody diarrhea, through the sequential  
20 acquisition of phage-encoded Stx2, a large virulence plasmid, and  
21 additional chromosomal mutations. The rate of genetic mutation of E.  
22 coli O157:H7 indicates that the common ancestor of current E. coli  
23 O157:H7 clades likely existed some 20,000 years ago. E. coli O157:H7 is  
24 a relentlessly evolving organism, constantly mutating and acquiring new  
25 characteristics, including virulence factors that make the emergence of  
26 more dangerous variants a constant threat. The CDC has emphasized the  
27 prospect of emerging pathogens as a significant public health threat  
28 for some time.

1 24. Although foods of a bovine origin are the most common cause of  
2 both outbreaks and sporadic cases of E. coli O157:H7 infections,  
3 outbreak of illnesses have been linked to a wide variety of food items.  
4 For example, produce has, since at least 1991, been the source of  
5 substantial numbers of outbreak-related E. coli O157:H7 infections.  
6 Other unusual vehicles for E. coli O157:H7 outbreaks have included  
7 unpasteurized juices, yogurt, dried salami, mayonnaise, raw milk, game  
8 meats, sprouts, and raw cookie dough.

9 25. According to a recent study, an estimated 93,094 illnesses are  
10 due to domestically acquired E. coli O157:H7 each year in the United  
11 States. Estimates of foodborne acquired O157:H7 cases result in 2,138  
12 hospitalizations and 20 deaths annually. The colitis caused by E. coli  
13 O157:H7 is characterized by severe abdominal cramps, diarrhea that  
14 typically turns bloody within twenty-four (24) hours, and sometimes  
15 fevers. The incubation period—which is to say the time from exposure to  
16 the onset of symptoms—in outbreaks is usually reported as three (3) to  
17 four (4) days but may be as short as one (1) day or as long as ten (10)  
18 days. Infection can occur in people of all ages but is most common in  
19 children. The duration of an uncomplicated illness can range from one  
20 (1) to twelve (12) days. In reported outbreaks, the rate of death is 0-  
21 2%, with rates running as high as 16-35% in outbreaks involving the  
22 elderly, like those have occurred at nursing homes.

23 26. What makes E. coli O157:H7 remarkably dangerous is its very low  
24 infectious dose, and how relatively difficult it is to kill these  
25 bacteria. Unlike Salmonella, for example, which usually requires  
26 something approximating an "egregious food handling error, E. coli  
27 O157:H7 in ground beef that is only slightly undercooked can result in  
28 infection," as few as twenty (20) organisms may be sufficient to infect

1 a person and, as a result, possibly kill them. And unlike generic E.  
2 coli, the O157:H7 serotype multiplies at temperatures up to 44°F,  
3 survives freezing and thawing, is heat resistant, grows at temperatures  
4 up to 111°F, resists drying, and can survive exposure to acidic  
5 environments.

6 27. And, finally, to make it even more of a threat, E. coli O157:H7  
7 bacteria are easily transmitted by person-to-person contact. There is  
8 also the serious risk of cross-contamination between raw meat and other  
9 food items intended to be eaten without cooking. Indeed, a principle  
10 and consistent criticism of the USDA E. coli O157:H7 policy is the fact  
11 that it has failed to focus on the risks of cross-contamination versus  
12 that posed by so-called improper cooking. With this pathogen, there is  
13 ultimately no margin of error. It is for this precise reason that the  
14 USDA has repeatedly rejected calls from the meat industry to hold  
15 consumers primarily responsible for E. coli O157:H7 infections caused,  
16 in part, by mistakes in food handling or cooking.

17 **Hemolytic Uremic Syndrome (HUS)**

18 28. E. coli O157:H7 infections can lead to a severe, life-threatening  
19 complication called hemolytic uremic syndrome ("HUS"). HUS accounts for  
20 the majority of the acute and chronic illness and death caused by the  
21 bacteria. HUS occurs in 2-7% of victims, primarily children, with onset  
22 five to ten days after diarrhea begins. It is the most common cause of  
23 renal failure in children. Approximately half of the children who  
24 suffer HUS require dialysis, and at least 5% of those who survive have  
25 long-term renal impairment. The same number suffers severe brain  
26 damage. While somewhat rare, serious injury to the pancreas, resulting  
27 in death or the development of diabetes, can also occur. There is no  
28 cure or effective treatment for HUS. And, tragically, as too many

1 parents can attest, children with HUS too often die.

2 29. HUS is believed to develop when the toxin from the bacteria,  
3 known as Shiga-like toxin (SLT), enters the circulation through the  
4 inflamed bowel wall. SLT, and most likely other chemical mediators,  
5 attach to receptors on the inside surface of blood vessel cells  
6 (endothelial cells) and initiate a chemical cascade that results in the  
7 formation of tiny thrombi (blood clots) within these vessels. Some  
8 organs seem more susceptible, perhaps due to the presence of increased  
9 numbers of receptors, and include the kidney, pancreas, and brain. By  
10 definition, when fully expressed, HUS presents with the triad of  
11 hemolytic anemia (destruction of red blood cells), thrombocytopenia  
12 (low platelet count), and renal failure (loss of kidney function).

13 30. As already noted, there is no known therapy to halt the  
14 progression of HUS. HUS is a frightening complication that, even in the  
15 best American centers, has a notable mortality rate. Among survivors,  
16 at least five percent will suffer end stage renal disease (ESRD) with  
17 the resultant need for dialysis or transplantation. But "[b]ecause  
18 renal failure can progress slowly over decades, the eventual incidence  
19 of ESRD cannot yet be determined." Other long-term problems include the  
20 risk for hypertension, proteinuria (abnormal amounts of protein in the  
21 urine that can portend a decline in renal function), and reduced kidney  
22 filtration rate. Other long-term problems include the risk for  
23 hypertension, proteinuria (abnormal amounts of protein in the urine  
24 that can portend a decline in renal function), and reduced kidney  
25 filtration rate. Since the longest available follow-up studies of HUS  
26 victims are 25 years, an accurate lifetime prognosis is not really  
27 available and remains controversial. All that can be said for certain  
28 is that HUS causes permanent injury, including loss of kidney function,

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1 and it requires a lifetime of close medical monitoring.

2 **The Plaintiff's E. coli O157:H7 Infection**

3 31. Lisa Leavitt-Garcia purchased I.M. Healthy SoyNut Butter on  
4 January 28, 2017 from the Target store located at 1600 Saratoga Ave.,  
5 San Jose, California. She consumed the contents of that jar throughout  
6 the remainder of January and into February 2017. This jar of soy nut  
7 butter was contaminated by E. coli O157:H7, causing Ms. Leavitt-  
8 Garcia's severe illness.

9 32. On or about February 21, 2017, Ms. Leavitt-Garcia developed  
10 agonizing abdominal cramps and diarrhea. Her condition deteriorated  
11 over the next couple of days, causing her to seek emergency medical  
12 care at Palo Alto Medical Foundation on February 23, 2017. After  
13 observing the Ms. Leavitt-Garcia and performing a number of tests, the  
14 treating physicians believed outpatient management was appropriate, and  
15 discharged her the same day.

16 33. Ms. Leavitt-Garcia's symptoms only grew worse, however, so she  
17 sought medical care at Good Samaritan Hospital on February 24, 2017.  
18 She was admitted to the hospital, where she would remain for five days.  
19 During this time, she underwent numerous tests, imaging procedures, and  
20 treatment, and eventually tested positive for E. coli O157:H7.

21 34. After her hospitalization, Ms. Leavitt-Garcia was seen as an  
22 outpatient on multiple occasions, and she continued to suffer the  
23 effects of her severe illness well into March 2017.

24 **COUNT I**

25 **(Strict Product Liability)**

26 35. The Plaintiff incorporates the preceding paragraphs of this  
27 Complaint, by this reference, as if each of these paragraphs were set  
28 forth here in its entirety.

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1 36. The Defendants distributed and sold the contaminated I.M. Healthy  
2 SoyNut Butter product that Ms. Leavitt-Garcia purchased on January 28,  
3 2017 from the Target store located at 1600 Saratoga Ave., San Jose,  
4 California, which caused her illness and injuries. This product will  
5 hereafter be called the "subject product."

6 37. The Defendants, and each of them, regularly purchased,  
7 distributed, and sold I.M. Healthy SoyNut Butter products. The  
8 Defendants, and each of them, purchased, distributed, and sold the  
9 subject product.

10 38. Food that is contaminated by E. coli O157:H7 is unsafe when put  
11 to the use reasonably foreseeable considering the nature of the  
12 product. Namely, E. coli O157:H7 contaminated food is unfit for human  
13 consumption.

14 39. The subject product was contaminated by E. coli O157:H7 when it  
15 left the control of Defendants. The Plaintiff's consumption of the  
16 contaminated food caused her to become infected by E. coli O157:H7 and  
17 to suffer injuries as a direct and proximate result of that  
18 consumption.

19 40. The Defendants are strictly liable to the Plaintiff for the harm  
20 proximately caused by the distribution and sale of an unsafe and  
21 defective food product.

22 **COUNT II**

23 **(Negligence)**

24 41. Plaintiff incorporates by reference and makes a part of this  
25 Count each and every foregoing paragraph of this Complaint.

26 42. The Defendants had a duty to comply with all statutory and  
27 regulatory provisions that pertained or applied to the distribution,  
28 storage, labeling, and sale of the food products that injured

1 Plaintiff, including the applicable provisions of the Federal Food,  
2 Drug and Cosmetic Act, and similar California food and public health  
3 statutes, including without limitation the provisions of the California  
4 Health & Safety Code Article 5, all of which prohibit the sale of any  
5 food that is adulterated, or otherwise injurious to health.

6 43. The subject product was adulterated within the meaning of the  
7 federal Food, Drug and Cosmetic Act, and similar California statutes,  
8 because it contained a deleterious substance that rendered it injurious  
9 to health, i.e., E. coli O157:H7 bacteria.

10 44. The Defendants violated federal, state, and local food safety  
11 regulations by their sale of adulterated food. These federal, state,  
12 and local food safety regulations are applicable here, and establish a  
13 positive and definite standard of care in the sale of food. The  
14 violation of these regulations constitutes negligence as a matter of  
15 law.

16 45. The Plaintiff is in the class of persons intended to be protected  
17 by these statutes and regulations, and the Plaintiff was injured as the  
18 direct and proximate result of the Defendants' violation of applicable  
19 federal, state, and local food safety regulations.

20 46. The Defendants were negligent in the distribution and sale of a  
21 food product that was adulterated with E. coli O157:H7, not fit for  
22 human consumption, and not reasonably safe because adequate warnings or  
23 instructions were not provided.

24 47. The Defendants had a duty to sell food products that were from  
25 reliable sources and that were clean, wholesome, free from adulteration  
26 and fit for human consumption, but failed to do so, and therefore  
27 breached that duty.

28 48. The Defendants were negligent in the selection of suppliers, or

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1 other agents or subcontractors, and failed to adequately supervise  
2 them, or provide them with adequate standards, and, as a result, sold  
3 food that was adulterated with E. coli O157:H7.

4 49. The Defendants' various acts and omissions of negligence  
5 proximately caused Plaintiff's E. coli O157:H7 infection and related  
6 illness, injuries, and damages.

7 **COUNT III**

8 **(Breach of Warranty)**

9 50. The Plaintiff incorporates the preceding paragraphs of this  
10 Complaint, by this reference, as if each of these paragraphs were set  
11 forth here in its entirety.

12 51. By offering I.M. Healthy SoyNut Butter products for sale to the  
13 public, Defendants impliedly warranted that such products were safe to  
14 eat, that they were not adulterated with a deadly pathogen, and that  
15 the products had been safely prepared under sanitary conditions.

16 52. The Defendants breached these implied warranties by distributing  
17 and selling the subject product, because it was contaminated by E. coli  
18 O157:H7.

19 53. The Plaintiff's injuries proximately and directly resulted from  
20 Defendants' breach of implied warranties, and the Plaintiff is thus  
21 entitled to recover for all actual, consequential, and incidental  
22 damages that flow directly and in a foreseeable fashion from these  
23 breaches.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, the Plaintiff prays as follows:

26 (1) That the Court award the Plaintiff judgment against Defendants  
27 for damages.

28 (2) That the Court award all such other sums as shall be determined

1 to fully and fairly compensate the Plaintiff for all general, special,  
2 incidental, and consequential damages incurred, or to be incurred, by the  
3 Plaintiff as the direct and proximate result of the acts and omissions of the  
4 Defendant;

5 (3) That the Court award the Plaintiff her costs, disbursements, and  
6 reasonable attorneys' fees incurred;

7 (4) That the Court award the Plaintiff the opportunity to amend  
8 or modify the provisions of this Complaint as necessary or appropriate after  
9 additional or further discovery is completed in this matter, and after all  
10 appropriate parties have been served; and

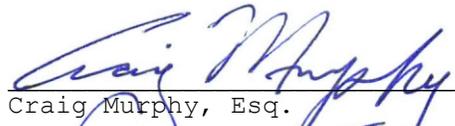
11 (5) That the Court award such other and further relief as it deems  
12 necessary and proper in the circumstances.

13 **JURY TRIAL DEMAND**

14 The Plaintiff demands trial by jury on all issues raised herein.

15 DATED June 13, 2019.

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