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Attorney for Plaintiffs

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

9 ERIN SIMMONS and MOSBY SIMMONS,  
husband and wife, individually and  
10 as the parents of T.S., a minor;

11 Plaintiffs,

12 vs.

13 TARGET CORPORATION, a foreign  
corporation d/b/a TARGET; KEHE  
DISTRIBUTORS, LLC, a foreign  
14 limited-liability company; KEHE  
DISTRIBUTORS, INC., a foreign  
15 corporation; KEHE ENTERPRISES, LLC,  
a foreign limited-liability company;  
16 WORLD FINER FOODS, INC., a foreign  
corporation; and WORLD FINER FOODS,  
17 LLC, a foreign limited-liability  
company; DOES 1-10, inclusive; and  
18 ROE ENTITIES 1-10, inclusive,

19 Defendants.

Case No.:  
Dept. No.:

**COMPLAINT**  
**DEMAND FOR JURY TRIAL**

20  
21 COME NOW the Plaintiffs, Erin and Mosby Simmons, husband and wife,  
22 individually and as parents of T.S., a minor, by and through their attorney  
23 of record, Craig Murphy, Esq. of Murphy & Murphy Law Offices, and allege and  
24 state as follows:

25 **PARTIES**

26 1. At all times relevant to this action, the Plaintiffs resided in  
27 Santa Clara County, California. The Plaintiffs are therefore citizens  
28 of the State of California.

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- 1           2.           At all times relevant to this action, Defendant Target  
2           Corporation was a Minnesota corporation with its principal place of  
3           business located in Minneapolis, Minnesota. Target is therefore a  
4           citizen of the State of Minnesota. At all times relevant to this  
5           action, Target owned and operated the Target retail stores located in  
6           the San Jose area.
- 7           3.           At all times relevant to this action, Defendant KeHE  
8           Distributors, LLC, was a Delaware limited-liability company with its  
9           principal place of business in Naperville, Illinois. On information and  
10          belief, KeHE's only member is Brandon Barnholt, who resides in  
11          Naperville, Illinois. Therefore, KeHE Distributors, LLC is a citizen  
12          of the States of Illinois and Delaware.
- 13          4.           At all times relevant to this action, Defendant KeHE  
14          Distributors, Inc., was a Delaware corporation with its principal place  
15          of business in Naperville, Illinois. Therefore, KeHE Distributors, Inc.  
16          is a citizen of the States of Delaware and Illinois.
- 17          5.           At all times relevant to this action, Defendant KeHE Enterprises,  
18          LLC, was a Delaware corporation with its principal place of business in  
19          Naperville, Illinois. Therefore, KeHE Enterprises, LLC is a citizen of  
20          the States of Delaware and Illinois.
- 21          6.           At all times relevant to this action, Defendant World Finer  
22          Foods, Inc. was a Delaware corporation with its principal place of  
23          business located in Bloomfield, New Jersey. World Finer Foods, Inc. is  
24          therefore a citizen of the States of Delaware and New Jersey.
- 25          7.           At all times relevant to this action, Defendant World Finer  
26          Foods, LLC was a Delaware corporation with its principal place of  
27          business in Bloomfield, New Jersey. World Finer Foods, LLC is therefore  
28          a citizen of the States of Delaware and New Jersey.

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

21 **JURISDICTION AND VENUE**

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



1 Healthy brand soy nut butter products as the source of the outbreak,  
2 the Food and Drug Administration (FDA) conducted a comprehensive  
3 investigation at the Dixie Dew facility. Among other things, the FDA  
4 found:

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

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1 perform microbial testing where necessary to identify  
2 possible food contamination;

3 i. that FDA inspectors found that testing materials on hand at  
4 Dixie Dew had expired in July 2016 and October 2015;

5 j. that Dixie Dew had a fly infestation problem, and that  
6 small apparent flies and fly larvae, too numerous to count,  
7 were inside an unplugged chest freezer;

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

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

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

24 17. At all times relevant to this action, Defendants KeHE  
25 Distributors, LLC, KeHE Distributors, Inc., and KeHE Enterprises, LLC  
26 were all alter egos of one another and are referred to collectively as  
27 "Defendant Kehe" in this complaint. These entities jointly or  
28 independently distributed I.M. Healthy SoyNut Butter. On information

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1 and belief, Brandon Barnholt is a primary member and/or officer of all  
2 of these entities. There thus exists a unity of interest and ownership  
3 between these related entities, the exact relationship of which is not  
4 fully known by Plaintiffs, and all are liable in this action.

5 18. At all times relevant to this action, Defendants World Finer  
6 Foods, Inc. and World Finer Foods, LLC were alter egos of one another  
7 and are referred to collectively as "Defendant World Finer" in this  
8 complaint. These entities jointly or independently distributed I.M.  
9 Healthy SoyNut Butter. On information and belief, Brandon Barnholt is a  
10 primary member and/or office of all of these entities. There thus  
11 exists a unity of interest and ownership between these related  
12 entities, the exact relationship of which is not fully known by  
13 Plaintiffs, and both are liable in this action.

14 19. Defendants Kehe and World Finer are distributors of various food  
15 products to retail stores and foodservice locations nationally.  
16 Defendants Kehe and World Finer each acquired and distributed recalled  
17 soy nut butter products, including to Target and other retail stores  
18 nationally.

19 20. With regard to the contaminated jar of I.M. Healthy Soy Nut  
20 Butter that Plaintiffs purchased at Target, as described below, World  
21 Finer acquired this product from The SoyNut Butter Company and  
22 distributed it to Kehe. Kehe then distributed the product to the  
23 Target store location where Plaintiffs purchased it.

24 **E. coli O157:H7**

25 21. *E. coli* is an archetypal commensal bacterial species that lives  
26 in mammalian intestines. *E. coli* O157:H7 is one of thousands of  
27 serotypes *Escherichia coli*. The combination of letters and numbers in  
28 the name of the *E. coli* O157:H7 refers to the specific antigens

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

- 14 **22.** *E. coli* O157:H7 was first recognized as a pathogen in 1982 during  
15 an investigation into an outbreak of hemorrhagic colitis associated with  
16 consumption of hamburgers from a fast food chain restaurant.  
17 Retrospective examination of more than three thousand *E. coli* cultures  
18 obtained between 1973 and 1982 found only one (1) isolation with  
19 serotype O157:H7, and that was a case in 1975. In the ten (10) years  
20 that followed there were approximately thirty (30) outbreaks recorded  
21 in the United States. This number is likely misleading, however,  
22 because *E. coli* O157:H7 infections did not become a reportable disease  
23 in any state until 1987 when Washington became the first state to  
24 mandate its reporting to public health authorities. As a result, only  
25 the most geographically concentrated outbreak would have garnered  
26 enough notice to prompt further investigation.
- 27 **23.** *E. coli* O157:H7's ability to induce injury in humans is a result  
28 of its ability to produce numerous virulence factors, most notably



1 Shiga-like toxins. Shiga toxin (Stx) has multiple variants (e.g. Stx1,  
2 Stx2, Stx2c), and acts like the plant toxin ricin by inhibiting protein  
3 synthesis in endothelial and other cells. Shiga toxin is one of the  
4 most potent toxins known. In addition to Shiga toxins, *E. coli* O157:H7  
5 produces numerous other putative virulence factors including proteins,  
6 which aid in the attachment and colonization of the bacteria in the  
7 intestinal wall and which can lyse red blood cells and liberate iron to  
8 help support *E. coli* metabolism.

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

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

28 26. According to a recent study, an estimated 93,094 illnesses are

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

14 27. What makes *E. coli* O157:H7 remarkably dangerous is its very low  
15 infectious dose, and how relatively difficult it is to kill these  
16 bacteria. Unlike *Salmonella*, for example, which usually requires  
17 something approximating an "egregious food handling error, *E. coli*  
18 O157:H7 in ground beef that is only slightly undercooked can result in  
19 infection," as few as twenty (20) organisms may be sufficient to infect  
20 a person and, as a result, possibly kill them. And unlike generic *E.*  
21 *coli*, the O157:H7 serotype multiplies at temperatures up to 44°F,  
22 survives freezing and thawing, is heat resistant, grows at temperatures  
23 up to 111°F, resists drying, and can survive exposure to acidic  
24 environments.

25 28. And, finally, to make it even more of a threat, *E. coli* O157:H7  
26 bacteria are easily transmitted by person-to-person contact. There is  
27 also the serious risk of cross-contamination between raw meat and other  
28 food items intended to be eaten without cooking. Indeed, a principle

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1 and consistent criticism of the USDA *E. coli* O157:H7 policy is the fact  
2 that it has failed to focus on the risks of cross-contamination versus  
3 that posed by so-called improper cooking. With this pathogen, there is  
4 ultimately no margin of error. It is for this precise reason that the  
5 USDA has repeatedly rejected calls from the meat industry to hold  
6 consumers primarily responsible for *E. coli* O157:H7 infections caused,  
7 in part, by mistakes in food handling or cooking.

8 **Hemolytic Uremic Syndrome (HUS)**

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

21 30. HUS is believed to develop when the toxin from the bacteria,  
22 known as Shiga-like toxin (SLT), enters the circulation through the  
23 inflamed bowel wall. SLT, and most likely other chemical mediators,  
24 attach to receptors on the inside surface of blood vessel cells  
25 (endothelial cells) and initiate a chemical cascade that results in the  
26 formation of tiny thrombi (blood clots) within these vessels. Some  
27 organs seem more susceptible, perhaps due to the presence of increased  
28 numbers of receptors, and include the kidney, pancreas, and brain. By

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1 definition, when fully expressed, HUS presents with the triad of  
2 hemolytic anemia (destruction of red blood cells), thrombocytopenia  
3 (low platelet count), and renal failure (loss of kidney function).

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

21 **T.S.'s E. coli O157:H7 Infection**

22 32. The Plaintiffs purchased I.M. Healthy SoyNut Butter that caused  
23 the injuries giving rise to this Complaint on January 14, 2017, from  
24 Target located in the area of San Jose, California. T.S. consumed this  
25 product on several occasions in the days leading up to the onset of his  
26 illness. The product was contaminated by *E. coli* O157:H7, causing  
27 T.S.'s severe illness.

28 33. On or about January 25, 2017, T.S. developed abdominal cramps,

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1 diarrhea, and other flu-like symptoms. His condition worsened over the  
2 next several days.

3 34. By January 28, 2017, T.S.'s illness had become so severe that his  
4 parents sought medical care at Los Gatos Pediatrics and then at Good  
5 Samaritan Hospital.

6 35. T.S. was hospitalized at Good Samaritan Hospital on January 30,  
7 2017. A stool sample submitted while he was in the hospital tested  
8 positive for Shiga-toxin producing *E. coli* and *E. coli* O157.

9 36. While hospitalized, T.S. developed HUS, which led to his transfer  
10 to Lucile Packard Children's Hospital. While there, T.S. underwent  
11 hemodialysis treatment and remained hospitalized until February 23,  
12 2017.

13 37. T.S. continues to have follow-up appointments to monitor for  
14 continued adverse effects of his *E. coli* infection. T.S. developed  
15 post-infections irritable bowel syndrome as a result of his *E. coli*  
16 infection and had his appendix removed on March 1, 2019.

17 38. In addition to the physical symptoms T.S. endured due to his *E.*  
18 *coli* infection, T.S. also suffered emotional trauma from his experience  
19 and was seeing a therapist at the end of 2018.

20 **COUNT I**

21 **(Strict Products Liability)**

22 39. The Plaintiffs incorporate the preceding paragraphs of this  
23 Complaint, by this reference, as if each of these paragraphs were set  
24 forth here in its entirety.

25 40. The Defendants distributed and sold the contaminated I.M. Healthy  
26 SoyNut Butter product that the Plaintiffs purchased on January 14,  
27 2017, from Target in the San Jose area, which caused T.S.'s illness and  
28 injuries. This product will hereafter be called the "subject product."

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41. The Defendants, and each of them, regularly purchased, distributed, and sold I.M. Healthy SoyNut Butter products. The Defendants, and each of them, purchased, distributed, and sold the subject product.

42. Food that is contaminated by *E. coli* O157:H7 is unsafe when put to its reasonably foreseeable use considering the nature of the product. Namely, *E. coli* O157:H7 contaminated food is unfit for human consumption.

43. The subject product was contaminated by *E. coli* O157:H7 when it left the control of the Defendants. T.S.'s consumption of the contaminated food caused him to become infected by *E. coli* O157:H7 and to suffer injuries as a direct and proximate result of that consumption.

44. The Defendants are strictly liable to the Plaintiffs for the harm proximately caused by the distribution and sale of an unsafe and defective food product.

**COUNT II**  
**(Negligence)**

45. The Plaintiffs incorporate by reference and makes a part of this Count each and every foregoing paragraph of this Complaint.

46. The Defendants had a duty to comply with all statutory and regulatory provisions that pertained or applied to the distribution, storage, labeling, and sale of the food products that injured T.S., including the applicable provisions of the Federal Food, Drug and Cosmetic Act, and similar California food and public health statutes, including without limitation the provisions of the California Health & Safety Code Article 5, all of which prohibit the sale of any food that is adulterated, or otherwise injurious to health.

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1 47. The subject product was adulterated within the meaning of the  
2 Federal Food, Drug and Cosmetic Act, and similar California statutes,  
3 because it contained a deleterious substance that rendered it injurious  
4 to health, i.e., *E. coli* O157:H7 bacteria.

5 48. The Defendants violated federal, state, and local food safety  
6 regulations by their sale of adulterated food. These federal, state,  
7 and local food safety regulations are applicable here, and establish a  
8 positive and definite standard of care in the sale of food. The  
9 violation of these regulations constitutes negligence as a matter of  
10 law.

11 49. T.S. is in the class of persons intended to be protected by these  
12 statutes and regulations, and T.S. was injured as the direct and  
13 proximate result of the Defendants' violation of applicable federal,  
14 state, and local food safety regulations.

15 50. The Defendants were negligent in the distribution and sale of a  
16 food product that was adulterated with *E. coli* O157:H7, not fit for  
17 human consumption, and not reasonably safe because adequate warnings or  
18 instructions were not provided.

19 51. The Defendants had a duty to sell food products that were from  
20 reliable sources and that were clean, wholesome, free from adulteration  
21 and fit for human consumption, but failed to do so, and therefore  
22 breached that duty.

23 52. The Defendants were negligent in the selection of suppliers, or  
24 other agents or subcontractors, and failed to adequately supervise  
25 them, or provide them with adequate standards, and, as a result, sold  
26 food that was adulterated with *E. coli* O157:H7.

27 53. The Defendants' various acts and omissions of negligence  
28 proximately caused T.S.'s *E. coli* O157:H7 infection and related

1 illness, injuries, and damages.

2 COUNT III

3 **(Breach of Express and Implied Warranties)**

4 54. The Plaintiffs incorporate the preceding paragraphs of this  
5 Complaint, by this reference, as if each of these paragraphs were set  
6 forth here in its entirety.

7 55. By offering I.M. Healthy SoyNut Butter products for sale to the  
8 public, Defendants impliedly warranted that such products were safe to  
9 eat, that they were not adulterated with a deadly pathogen, and that  
10 the products had been safely prepared under sanitary conditions.

11 56. The Defendants breached these implied warranties by distributing  
12 and selling the subject product, because it was contaminated by *E. coli*  
13 O157:H7.

14 57. Further, the label of I.M. Healthy SoyNut Butter promises that  
15 consumers will be "Healthy" if they purchase and consume the soy nut  
16 butter.

17 58. By assuring the Plaintiffs that the I.M. Healthy soy nut butter  
18 was healthy and that it was a "natural product," Defendants expressly  
19 warranted that the food that they sold, distributed and supplied was  
20 fit for the Plaintiffs' consumption.

21 59. Defendants breached their express warranty as described above in  
22 that the food that they sold, distributed and supplied was not fit for  
23 Plaintiffs' consumption.

24 60. The Plaintiffs' injuries proximately and directly resulted from  
25 the Defendants' breach of express and implied warranties, and the  
26 Plaintiffs are thus entitled to recover for all actual, consequential,  
27 and incidental damages that flow directly and in a foreseeable fashion  
28 from these breaches.

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**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs pray as follows:

(1) That the Court award the Plaintiffs judgment against Defendants for damages.

(2) That the Court award all such other sums as shall be determined to fully and fairly compensate the Plaintiffs for all general, special, incidental, and consequential damages incurred, or to be incurred, by the Plaintiffs as the direct and proximate result of the acts and omissions of the Defendants;

(3) That the Court award the Plaintiffs their costs, disbursements, and reasonable attorneys' fees incurred;

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

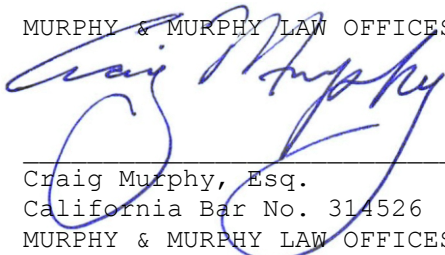
(5) That the Court award such other and further relief as it deems necessary and proper in the circumstances.

**JURY TRIAL DEMAND**

The Plaintiffs demand trial by jury on all issues raised herein.

DATED: June 13, 2019.

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