

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____)	
JENNIFER RUSICH and JOSEPH RUSICH,)	
Individually and as the parents and legal guardians)	
Of their minor child, R.R.,)	
)	CIVIL DIVISION
)	
Plaintiffs,)	CASE NO:
)	
v.)	
)	
SUPERFOODS, INC. d/b/a Live it Up,)	COMPLAINT FOR
a Delaware Corporation,)	DAMAGES AND JURY
)	DEMAND
Defendant.)	
_____)	

INTRODUCTION

Plaintiffs Jennifer Rusich individually, Joseph Rusich individually and as the parents and legal guardians of their child, R.R., by and through their attorneys, Heisman Nunes & Hull LLP and Marler Clark, Inc., PS, allege upon information and belief as follows:

PARTIES

1.1 Plaintiffs Jennifer Rusich, Joseph Rusich and their child R.R. reside at 6220 Pine Fair Way, Tallahassee, Florida, and are therefore citizens of the State of Florida.

1.2 Plaintiff Jennifer Rusich purchased and she and her child R.R consumed a toxic, adulterated, and/or contaminated food product, namely Live it Up brand Super Greens supplement powder prepared, manufactured, packaged, distributed, and/or sold by Superfoods, Inc. d/b/a Live it Up.

1.3 Defendant Superfoods, Inc. d/b/a Live it Up is a for-profit company incorporated in the State of Delaware, with its headquarters and principal place of business located at 228 Park Ave S Unit 45397, New York, NY 10003.

1.4 At all times relevant to this action, Defendant prepared, manufactured, packaged, distributed, and/or sold a toxic, adulterated, and/or contaminated food product, namely Super Greens supplement powder.

JURISDICTION AND VENUE

2.1 This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. section 1332(a) because the matter in controversy exceeds \$75,000.00 exclusive of costs and it is between citizens of two different states.

2.2 Venue in the United States District Court for the Southern District of New York is proper pursuant to 28 U.S.C. § 1391(b)(1) because Defendant resides in this judicial district and 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiff's claims and causes of action occurred in this judicial district.

FACTUAL BACKGROUND

What is *Salmonella*?

3.1 It has long been said that, in 1885, pioneering American veterinary scientist, Daniel E. Salmon, discovered the first strain of *Salmonella*. Actually, though, Theobald Smith, research-assistant to Dr. Salmon, discovered the first strain of *Salmonella*—*Salmonella Choleraesuis*. But being in charge, Dr. Salmon received all of the credit.¹

3.2 Today, the number of known serotypes of *Salmonella* bacteria totals over two thousand. And in recent years, concerns have been raised, as particular strains of *Salmonella* have become resistant to traditional antibiotics.

¹ Kass EH. (1987). A brief perspective on the early history of American infectious disease epidemiology. *Yale J Biol Med.* 60(4):341-8.

3.3 There are two *Salmonella* species: *Salmonella enterica* (*S. enterica*) and *Salmonella bongori* (*S. bongori*). *S. bongori* strains predominantly colonize cold-blooded reptiles, whereas *S. enterica* strains are capable of infecting both humans and mammals.²

3.4 Based on factors such as morphology, structure, mode of reproduction, and other criteria, the two species are further classified into subgroups called serotypes or serovars. More than 2,600 serotypes have been described for *Salmonella*, and they are characterized by the type(s) of animal they are found in or by the clinical symptoms they cause.³ Of these, less than 100 are responsible for most human *Salmonella* infections.⁴

Where Does *Salmonella* Come From?

3.5 *Salmonella* are widely distributed in nature and are found in the intestinal tract of wild and domesticated animals and in humans. *Salmonella* poisoning can occur when a person ingests contaminated fecal particles transmitted by another infected human or animal.⁵

3.6 *Salmonella enterica* serotypes Typhi, Sendai, and Paratyphi A, B, or C are found exclusively in humans. These serotypes, collectively referred to as typhoidal *Salmonella*, cause enteric fever (also known as typhoid or paratyphoid fever if caused by serotypes Typhi or Paratyphi, respectively).⁶ Most often, enteric fever is acquired through ingestion of food or water contaminated with human feces. Most U.S. residents who are diagnosed with typhoidal *Salmonella*

² Hernandez, A. K. C. *Salmonella bongori*. Poultry and Avian Diseases. *Encyclopedia of Agriculture and Food Systems*. <https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/salmonella-bongori>.

³ Boore AL, et al. (2015). *Salmonella enterica* Infections in the United States and Assessment of Coefficients of Variation: A Novel Approach to Identify Epidemiologic Characteristics of Individual Serotypes, 1996–2011. *PLoS One*. 10(12): e0145416

⁴ Besser JM. (2018). *Salmonella* epidemiology: a whirlwind of change. *Food Microbiol*. 71:55-9.

⁵ Chiu, C.-H. (2019). *Salmonella, Non-Typhoidal Species (S. Choleraesuis, S. Enteritidis, S. Hadar, S. Typhimurium)*. <http://www.antimicrobe.org/b258.asp>.

⁶ Ohad eGal-Mor, Erin C Boyle, & Guntram A. Grassl. (2014). Same species, different diseases: how and why typhoidal and non-typhoidal *Salmonella enterica* serovars differ. *Frontiers in Microbiology*, 5. <https://doi.org/10.3389/fmicb.2014.00391>

are infected while traveling abroad in areas where typhoid fever and paratyphoid fever are common.

3.7 Three types of vaccines against *S. Typhi* are commercially available, although there is still not a single licensed vaccine available against *S. Paratyphi A*.⁷ Persons planning to travel outside of the United States are advised to find out if a vaccine for typhoid fever is recommended (see www.cdc.gov/travel). CDC estimates *Salmonella* bacteria cause about 1.35 million infections, 26,500 hospitalizations, and 420 deaths in the United States every year. Food is the source for most of these illnesses.⁸

3.8 Most *Salmonella* infections are caused by eating contaminated food. One study found that 87% of all confirmed cases of *Salmonella* are foodborne. Foods of animal origin, including meat, poultry, eggs, or dairy products can become contaminated with *Salmonella*. Eating uncooked or inadequately cooked food—or food cross contaminated with uncooked or undercooked products—can lead to human infections. As explained in a comprehensive report issued by the U.S. Department of Agriculture’s Economic Research Service:

Salmonella contamination occurs in a wide range of animal and plant products. Poultry products and eggs are frequently contaminated with *S. Enteritidis*, while beef products are commonly contaminated with *S. Typhimurium*. Other food sources of *Salmonella* may include raw milk or other dairy products and pork.

3.9 In the past two decades, consumption of produce, especially sprouts, tomatoes, fruits, leafy greens, nuts, and nut butters, has been associated with *Salmonella* illnesses.⁹ The surface of fruits and vegetables may be contaminated by human or animal feces. Changes in food

⁷ *Id.*

⁸ Centers for Disease Control and Prevention. “*Salmonella*.” <https://www.cdc.gov/salmonella/index.html#:~:text=CDC%20estimates%20Salmonella%20bacteria%20cause,%2C%20fever%2C%20and%20stomach%20cramps>.

⁹ National Typhoid and Paratyphoid Fever Surveillance Annual Summary, 2015.” Centers for Disease Control and Prevention, 6 Nov. 2018. Available at: <https://www.cdc.gov/typhoid-fever/reports/annual-report-2015.html>.

consumption and production, as well as the rapid growth of international trade in agricultural products, have facilitated the transmission of *Salmonella* associated with fresh fruits and vegetables.

3.10 In the United States, *Salmonella* is the second most commonly isolated bacterial pathogen when laboratory diagnosis of diarrhea is sought.¹⁰ However, passive laboratory surveillance, which uses voluntary reporting by health care providers and facilities, captures only a fraction of illnesses that actually occur. Furthermore, only a small proportion of illnesses are confirmed by laboratory testing and reported to public health agencies. Thus, researchers rely on quantitative statistical modeling to estimate the incidence of foodborne illness. These estimates are used to direct policy and interventions.

What are the Symptoms of Salmonellosis?

3.11 *Salmonella* infections can produce a broad range of disease, from no symptoms to severe illness. The most common clinical presentation is acute gastroenteritis. Symptoms commonly include diarrhea and abdominal cramps, often accompanied by fever of 100°F to 102°F (38°C to 39°C). More serious infections may also involve bloody diarrhea, vomiting, headache, and body aches.¹¹

3.12 The incubation period, or the time from ingestion of the bacteria until the symptoms start, is generally 6 to 72 hours; however, there is evidence that in some situations the incubation can be longer than 10 days. People with salmonellosis usually recover without treatment within three to seven days. Nonetheless, *Salmonella* bacteria can persist in the intestinal tract and stool

¹⁰ “National Enteric Disease Surveillance: *Salmonella* Annual Report, 2016.” Centers for Disease Control and Prevention, 28 Feb. 2018. Available at: <https://www.cdc.gov/nationalsurveillance/pdfs/2016-Salmonella-report-508.pdf>.

¹¹ “*Salmonella*.” Centers for Disease Control and Prevention, 24 Jun. 2020. Available at: <https://www.cdc.gov/salmonella/>.

for many weeks after the resolution of symptoms—on average, one month in adults and longer in children.¹²

Treatment of Salmonellosis

3.13 *S. Typhi* and *S. Paratyphi* are capable of causing systemic illness if they invade the bloodstream (termed “bacteremia”). “Septicemia” or “sepsis” (bloodstream infection or “blood poisoning”) occurs if the bacteria multiply in the blood and cause the immune system to respond by activating inflammatory mechanisms. This may result in the development of “systemic inflammatory response syndrome,” or “SIRS.” By definition, SIRS includes tachycardia, tachypnea, fever, and abnormal white blood cell count.

3.14 When the bacteria involved are *S. Typhi* or *S. Paratyphi*, this serious illness is called enteric typhoid, or paratyphoid fever. Symptoms may start gradually and include fever, headache, malaise, lethargy, and abdominal pain. In children, it can present seemingly innocuously as a non-specific fever. The incubation period for *S. Typhi* is usually 8 to 14 days, but it can range from three to 60 days. For *S. Paratyphi* infections, the incubation period is similar to that of nontyphoidal *Salmonella*—one to 10 days.¹³

3.15 Medical treatment is acutely important, though, if the patient becomes severely dehydrated or if the infection spreads from the intestines. Persons with severe diarrhea often require re-hydration, usually with intravenous (IV) fluids. But antibiotics are not necessary or indicated unless the infection spreads from the intestines, at which time the infection can be treated with ampicillin, gentamicin, trimethoprim/sulfamethoxazole, or ciprofloxacin. Unfortunately,

¹² *Id.*

¹³ Miller, S. and Pegues, D. “*Salmonella* Species, Including *Salmonella Typhi*” in Mandell, Douglas, and Bennett’s Principles and Practice of Infectious Diseases, Sixth Edition, Chap. 220, pp. 2636-50 (2005).

though, some *Salmonella* bacteria have become resistant to antibiotics, largely as a result of the use of antibiotics to promote the growth of feed animals.¹⁴

Reactive Arthritis

3.16 Formerly referred to as Reiter syndrome, the term reactive arthritis refers to an inflammation of one or more joints, following an infection localized at a site distant from the affected joints. The predominant site of the infection is the gastrointestinal tract. And reactive arthritis can be post-infection, meaning that the infection may not be active when diagnosed. Several bacteria, including *Salmonella*, can cause reactive arthritis.¹⁵ And although the resulting joint pain and inflammation can resolve completely over time, permanent joint damage can occur.¹⁶

3.17 The symptoms of reactive arthritis include pain and swelling in the knees, ankles, feet, and heels. Less frequently, the upper extremities may be affected, including the wrists, elbows, and fingers. Tendonitis (inflammation of the tendons) or enthesitis (inflammation where tendons attach to the bone) can occur. Other symptoms may include prostatitis, cervicitis, urethritis (inflammation of the prostate gland, cervix, or urethra), conjunctivitis (inflammation of the membrane lining the eyelid), or uveitis (inflammation of the inner eye). Ulcers and skin rashes are less common.

3.18 Symptoms can range from mild to severe and can occur anywhere from three days to six weeks after the antecedent infection and may involve one or more joints, though usually six

¹⁴ Medalla, F., Gu, W., Mahon, B. E., Judd, M., Folster, J., Griffin, P. M., & Hoekstra, R. M. (2016). Estimated Incidence of Antimicrobial Drug-Resistant Nontyphoidal *Salmonella* Infections, United States, 2004-2012. *Emerging infectious diseases*, 23(1), 29–37. <https://doi.org/10.3201/eid2301.160771>

¹⁵ See “Reactive Arthritis.” *Questions and Answers About*. N.p., n.d. Web. 12 Nov. 2015.

¹⁶ *Id.*

or fewer. Although most cases recover within a few months, some continue to experience complications for years. Treatment focuses on relieving the symptoms.¹⁷

Irritable Bowel Syndrome

3.19 Irritable bowel syndrome (IBS) is a functional disorder of the gastrointestinal tract. The hallmark symptoms of IBS are abdominal pain and altered bowel habits, ranging from constipation to diarrhea, or alternating diarrhea and constipation. Abdominal pain is usually crampy in nature, but character and sites can vary. In some patients, the pain is relieved by defecation but, in others, defecation may worsen the pain. Additional symptoms may include bloating, straining at stools, and a sense of incomplete evacuation.

3.20 The observation that the onset of IBS symptoms can be precipitated by gastrointestinal infection dates back to the 1950s. Mechanisms are not known but include changes in the microbiome, use of antibiotics to treat the infection, and an increase in enteroendocrine cells.

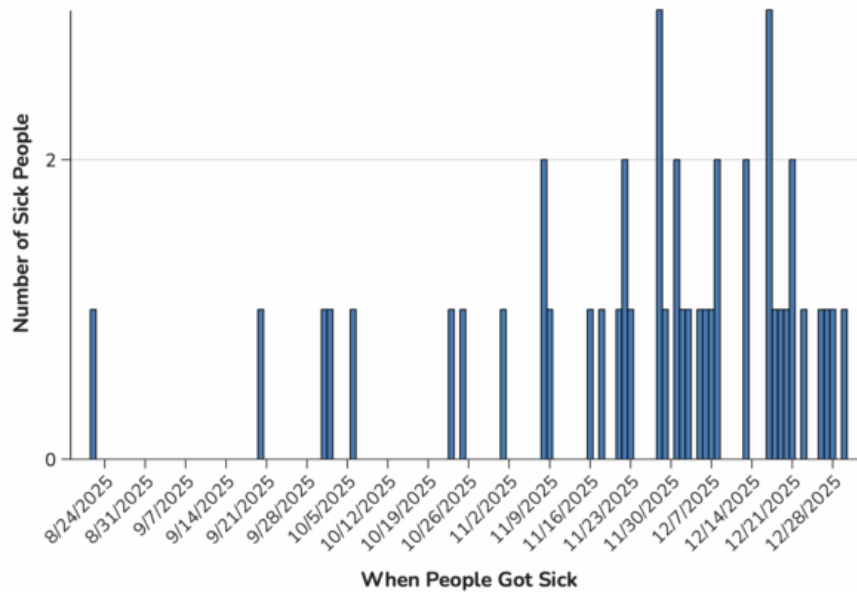
3.21 Another consequence of infective gastroenteritis is the disruption of normal gut flora. Studies on postinfectious IBS have provided etiological insights into the pathogenesis of IBS. It is well documented that following infective gastroenteritis, more than 10% of affected individuals go on to develop postinfectious IBS.¹⁸ The risk of postinfectious IBS appears greater with bacterial gastroenteritis compared to viral gastroenteritis.

***Salmonella* Outbreak linked to Live it Up brand Super Greens supplement powders**

3.22 As of January 14, 2026, 45 people infected with the outbreak strain of *Salmonella* have been reported from 21 states: Alabama 1, Connecticut 1, Delaware 1, Iowa 1, Maine 1, Michigan 1, Missouri 1, Nebraska 1, Pennsylvania 1, Tennessee 1, Utah 1, Washington 1,

¹⁷ “Reactive Arthritis.” National Institute of Arthritis and Musculoskeletal and Skin Diseases, Oct. 2016. Available at: <https://www.niams.nih.gov/health-topics/reactive-arthritis>.

¹⁸ Ng, Q. X., Soh, A., Loke, W., Lim, D. Y., & Yeo, W. S. (2018). The role of inflammation in irritable bowel syndrome (IBS). *Journal of inflammation research*, 11, 345–349. <https://doi.org/10.2147/JIR.S174982>



3.25 On January 14, 2026, Live it Up informed the Food and Drug Administration (FDA) that they would initiate a voluntary recall. The Centers for Disease Control and Prevention (CDC) is advising people not to eat, sell, or serve recalled Live it Up brand Super Greens supplement powders.

Plaintiff's Illness

4.1 Plaintiff Jennifer Rusich is passionate about health, fitness and nutrition. In her own words, she said:

I extensively researched this company [Defendant] and their product before purchasing and incorporating into my family's healthy lifestyle to ensure the product was not only made in the USA, but was also third party tested and met the highest standards of quality and safety.

Accordingly, in or about late 2025/early 2026, Plaintiff Jennifer Rusich purchased Defendant Superfoods, Inc.'s Super Greens supplement powder. Between approximately January 5, 2026 and January 15, 2026, both she and her child R.R. consumed Defendant's product.

4.2 On or about January 5, 2026, Plaintiffs Jennifer Rusich and R.R. began to feel extremely ill. She displayed symptoms of nausea, stomach cramping, muscle aches, fatigue and headache; her son experienced similar symptoms including nausea, diarrhea, stomach cramping, fever (104 degrees), muscle aches, fatigue and headache;

4.3 Plaintiff Jennifer Rusich describes what happened next as follows:

I consumed this product for nearly 10 days before realizing it was in fact making me sick. I received notification from Live it Up Greens on January 15, 2026 stating that I had purchased the product with the exact lot number that was part of a nationwide recall and likely contaminated with *Salmonella*. I immediately discontinued use. During this time period and for 11 days afterwards, I experienced severe nausea, headaches, abdominal cramping, frequent bowel movements, gas/bloating, joint pain, and extreme fatigue. The severe nausea and abdominal pain were debilitating. I had decreased appetite, felt physically weak, and had significant difficulty performing basic daily tasks due to the fatigue. As a prn physical therapist, I was also unable to be available for work during this time.

4.4 Plaintiffs suffering was compounded by her child's illness. Jennifer Rusich describes the situation as follows::

At the same time, my fourteen year old son, [R.R.] was also severely ill with *Salmonella* after consuming this very product. Watching him experience the same painful illness was absolutely heartbreaking. As a parent, it was incredibly distressing to see my otherwise healthy athletic teen suffering from high fever, severe diarrhea, stomach pain, and dehydration from a product I brought into my home for him to consume. At a time when I was physically at my worst, I was also responsible for caring for him and making sure he remained hydrated. Managing my own severe illness while trying to care for and monitor my sick child was physically and emotionally overwhelming.

4.5 Still, Plaintiff Jennifer Rusich's pain and suffering continued as she describes as follows:

Even after the most acute phase had passed, I continued to experience abdominal cramping, bloating, joint pain, digestive issues, and fatigue. Not having the high fever and persistent diarrhea

like my son, I was confident I could manage the illness on my own. After suffering for nearly 21 days, however, I sought out medical treatment at Patients First Urgent Care [in Tallahassee, Florida] on January 26, 2026. My examination revealed severe intestinal inflammation and the P.A was confident that I too had contracted *Salmonella* based on my symptoms and my son having tested positive several weeks prior after consuming the same product. I was immediately prescribed antibiotics and, after an additional 6 days, began to feel marked improvement. I, however, continue to experience lingering effects including joint pain, fatigue, and gastrointestinal issues.

4.6 On various occasions between January 7, 2026 and January 12, 2026, Plaintiff R.R. also received care and treatment from Patients First, located in Tallahassee, Florida, and he received a diagnosis of *Salmonella*. Plaintiff R.R. also reports that his illness has had a significant and continuing negative impact on his participation and performance in school sports in which he is very active. Compounding the problem, he now also suffers from intestinal issues.

4.7 During this time in January 2026, Plaintiff Joseph Rusich stayed home with his wife Jennifer and son R.R. suffering their loss of services, but more importantly the loss of income as a commission-based salesman, who was unable to work and perform his daily work functions as he attended to the care of his family and household duties. The above- described injuries, damages and losses suffered by Plaintiffs individually and collectively were all caused by Plaintiffs' exposure to Defendant Superfoods, Inc.'s Super Greens supplement powder.

CAUSES OF ACTION

Strict Liability – Count I

5.1 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.

5.2 At all times relevant hereto, Defendant prepared, manufactured, packaged, distributed, and/or sold the contaminated food product that was purchased and consumed by Plaintiffs, namely Super Greens supplement powder.

5.3 The adulterated product that Defendant prepared, manufactured, packaged, distributed, and/or sold was, at the time it left Defendant's control, defective and unreasonably dangerous for its ordinary and expected use by the intended public, including Plaintiffs, because Defendant's product was contaminated by *Salmonella*, a bacterium dangerous to human health.

5.4 Because of its contamination by *Salmonella*, the adulterated product was not put on the market by a reasonably prudent manufacturer or seller, assuming that the manufacturer or seller knew of its dangerous condition.

5.5 The adulterated product that Defendant prepared, manufactured, packaged, distributed, and/or sold was delivered to the Plaintiffs without any change in its defective condition. The adulterated product that Defendant prepared, manufactured, packaged, distributed, and/or sold was used by Plaintiffs in the manner expected and intended.

5.6 Defendant owed a duty of care to the public, including Plaintiffs, to prepare, manufacture, package, distribute and/or sell food that was not adulterated, that was fit for human consumption, that was reasonably safe in construction, and that was free of pathogenic bacteria or other substances injurious to human health, including *Salmonella*. Defendant breached this duty.

5.7 Defendant owed a duty of care to the public, including Plaintiffs, to prepare, manufacture, package, distribute and/or sell food that was fit for human consumption, and that was safe to consume to the extent contemplated by a reasonable consumer. Defendant breached this duty.

5.8 As a direct and proximate result of the defective and unreasonably dangerous condition of the contaminated food product that Defendant prepared, manufactured, packaged, distributed and/or sold, as set forth above, Plaintiffs sustained injuries and damages in an amount to be determined at trial.

Breach of Warranty – Count II

5.9 Plaintiffs incorporate the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in its entirety.

5.10 Defendant is liable to Plaintiffs for breaching express and implied warranties that it made regarding the adulterated product that Plaintiffs purchased and consumed. These express and implied warranties include the implied warranties of merchantability and/or fitness for a particular use. Specifically, the Defendant expressly warranted, through its sale of food to the public and by the statements and conduct of its employees and agents, that the food product it prepared, manufactured, packaged, distributed and/or sold was fit for human consumption and not otherwise adulterated with a harmful pathogen, namely *Salmonella*, and that the food product had been safely produced under sanitary conditions.

5.11 The *Salmonella* contaminated food product that is the subject of this action would not pass without exception in the trade and was therefore in breach of the implied warranty of merchantability.

5.12 The *Salmonella* contaminated food product that is the subject of this action was not fit for the uses and purposes intended, *i.e.*, human consumption, and the product was therefore in breach of the implied warranty of fitness for its intended use.

5.13 Defendant breached the implied warranties with regard to the contaminated food product that it sold, and that Plaintiffs consumed, causing them injuries and losses.

5.14 As a direct and proximate cause of Defendant's breach of warranties, as set forth above, Plaintiffs sustained injuries and damages in an amount to be determined at trial.

Negligence – Count III

5.15 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.

5.16 Defendant owed to Plaintiffs a duty to use reasonable care in the preparation, manufacture, packaging, distribution, and/or sale of its food product, the observance of which duty would have prevented or eliminated the risk that Defendant's food product would be adulterated and/or otherwise become contaminated with any dangerous pathogen. Defendant, however, breached this duty and were therefore negligent.

5.17 Defendant had a duty to comply with all federal, state, and local statutes, laws, regulations, safety codes, and provisions pertaining to the preparation, manufacture, distribution, storage, and/or sale of its food product, but failed to do so, and was therefore negligent. Plaintiffs was among the class of persons designed to be protected by these statutes, laws, regulations, safety codes and provisions pertaining to the preparation, manufacture, packaging, distribution, and sale of similar food products. Defendant, however, breached this duty and were therefore negligent.

5.18 Defendant had a duty to properly supervise, train, and monitor its respective employees, and to ensure that its respective employees complied with all applicable statutes, laws, regulations, safety codes, and provisions pertaining to the preparation, manufacture, distribution, packaging, and sale of its food products. Defendant, however, breached this duty and were therefore negligent.

5.19 Defendant had a duty to use supplies, and other materials for preparation, packaging, manufacturing, and/or sale that were reasonably safe, wholesome, and free of defects,

and that otherwise complied with applicable federal, state, and local laws, ordinances, regulations, codes, and provisions and that were clean, free from adulteration, and safe for food contact or use for food products. Defendant, however, breached this duty and were therefore negligent.

5.20 As a direct and proximate result of Defendant's negligence as described above, Plaintiffs sustained injuries and damages in an amount to be determined at trial.

Negligence *Per Se* – Count IV

5.21 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.

5.22 Defendant had a duty to comply with all applicable state and federal laws and regulations designed to ensure the safety, wholesomeness, and purity of food products, including but not limited to relevant state food safety rules and the Federal Food, Drug and Cosmetics Act (21 U.S.C. § 301, *et seq.*).

5.23 In breach of this duty, Defendant failed to comply with the provisions of the relevant health and safety acts identified above, and, as a result, was negligent *per se* in its preparation, manufacture, distribution, packaging and/or sale of adulterated food.

5.24 As a direct and proximate result of conduct by Defendant that was negligent *per se*, Plaintiffs sustained injuries and damages in an amount to be determined at trial.

DAMAGES

6.1 Plaintiffs have suffered general, special, incidental, and consequential damages as the direct and proximate result of the acts and omissions of Defendant, in an amount that shall be fully proven at the time of trial. These damages include but are not limited to past and future pain and suffering, past and future damages for loss of enjoyment of life, past and future emotional distress, past and future medical and related expenses, including pharmaceutical expenses, travel

and travel-related expenses, past and future lost wages, and all other ordinary, incidental, or consequential damages that would or could be reasonably anticipated to arise under the circumstances.

JURY DEMAND

7.1 Plaintiffs hereby demand a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against the Defendant as follows:

A. Ordering compensation for all general, special, incidental, and consequential damages suffered by Plaintiffs because of Defendant's conduct.

B. Awarding Plaintiffs' costs and expenses, including reasonable attorneys' fees to the fullest extent allowed by law; and

C. Granting all such additional and/or further relief as this Court deems just and equitable.

Respectfully submitted this 14th day of March 2026.

HEISMAN NUNES & HULL LLP

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