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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

OLIVIA SMITH,

Plaintiff,

vs.

SUN COMMODITIES, INC., a Florida profit corporation,

Defendant.

COMPLAINT AND JURY DEMAND

Case No.: _____

Plaintiff, by and through her undersigned counsel, and for her claims against the Defendant, alleges as follows:

PARTIES

1. The plaintiff Olivia Smith ("Plaintiff") is a resident of Lacey, Thurston County, Washington. The Plaintiff resides within the jurisdiction of this Court and is a Citizen of the State of Washington.

2. The defendant Sun Commodities, Inc. ("Sun Commodities") is a Florida profit corporation, with its principal place of business located at 2230 SW 2nd Street, Pompano Beach, FL 33069. Defendant Sun Commodities is a Citizen of the State of Florida.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332(a) because the matter in controversy exceeds $75,000.00, exclusive of costs, and this is an action by individual Plaintiff against a Defendant with its principal place of business in another state.

4. Venue in the United States District Court for the Western District of Washington is proper pursuant to 28 U.S.C. § 1391(a)(2) because a substantial part of the events or omissions giving rise to the Plaintiff's claims and causes of action occurred in this judicial district, and because the Defendant is subject to personal jurisdiction in this judicial district at the time of the commencement of the action.

FACTUAL ALLEGATIONS

Salmonella Bacteria

What is *Salmonella*?

5. In 1885, pioneering American veterinary scientist, Daniel E. Salmon, was credited with discovering 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 the credit.[1]

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

7. There are two *Salmonella* species: *Salmonella enterica* (*S. enterica*) and *Salmonella bongori* (*S. bongori*). *S. bongori* strains predominantly colonize cold-blooded reptiles,

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

whereas *S. enterica* strains can infect both humans and mammals.[2] 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?

8. *Salmonellae* 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]

9. *Salmonella enterica* serotypes Typhi, Sendai, and Paratyphi A, B, or C are found

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[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.

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

10. 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.

11. In the past two decades, consumption of produce, especially sprouts, tomatoes, fruits, leafy greens, nuts, and nut butters, has been associated with *Salmonella* illnesses.[8] The

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[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

[7] *Id.*

[8] 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.

surface of fruits and vegetables may be contaminated by human or animal feces. Changes in food 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.

12. In the United States, *Salmonella* is the second most isolated bacterial pathogen when laboratory diagnosis of diarrhea is sought.[9] However, passive laboratory surveillance, which uses voluntary reporting by health care providers and facilities, captures only a fraction of illnesses that 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?

13. *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.[10]

14. 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

[9] "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.

[10] "*Salmonella*." Centers for Disease Control and Prevention, 24 Jun. 2020. Available at: https://www.cdc.gov/salmonella/.

three to seven days. Nonetheless, *Salmonella* bacteria can persist in the intestinal tract and stool for many weeks after the resolution of symptoms—on average, one month in adults and longer in children.[11]

Treatment of Salmonellosis

15. *S.* Typhi and *S.* Paratyphi can cause 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," which is defined by the combination of tachycardia, tachypnea, fever, and abnormal white blood cell count. 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 like that of nontyphoidal *Salmonella*—one to 10 days.[12]

16. 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, though, some *Salmonella* bacteria have become resistant to antibiotics, largely because of using

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[11] *Id.*

[12] 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).

them to promote the growth of feed animals.[13]

Medical Complications of Salmonellosis

Reactive Arthritis

17. 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.[14] And although the resulting joint pain and inflammation can resolve completely over time, permanent joint damage can occur.[15]

18. 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. 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 or fewer. Although most cases recover within a few months, some continue to experience complications for years. Treatment focuses on relieving the symptoms.[16]

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[13] 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

[14] *See* "Reactive Arthritis." *Questions and Answers About.* N.p., n.d. Web. 12 Nov. 2015.

[15] *Id*.

[16] "Reactive Arthritis." National Institute of Arthritis and Musculoskeletal and Skin Diseases, Oct. 2016. Available at: https://www.niams.nih.gov/health-topics/reactive-arthritis.

Irritable Bowel Syndrome

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.

20. The observation that the onset of IBS symptoms can be precipitated by gastrointestinal infection dates 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.

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.[17] The risk of postinfectious IBS appears greater with bacterial gastroenteritis compared to viral gastroenteritis.

2024 *Salmonella* Outbreak Linked to Cucumbers

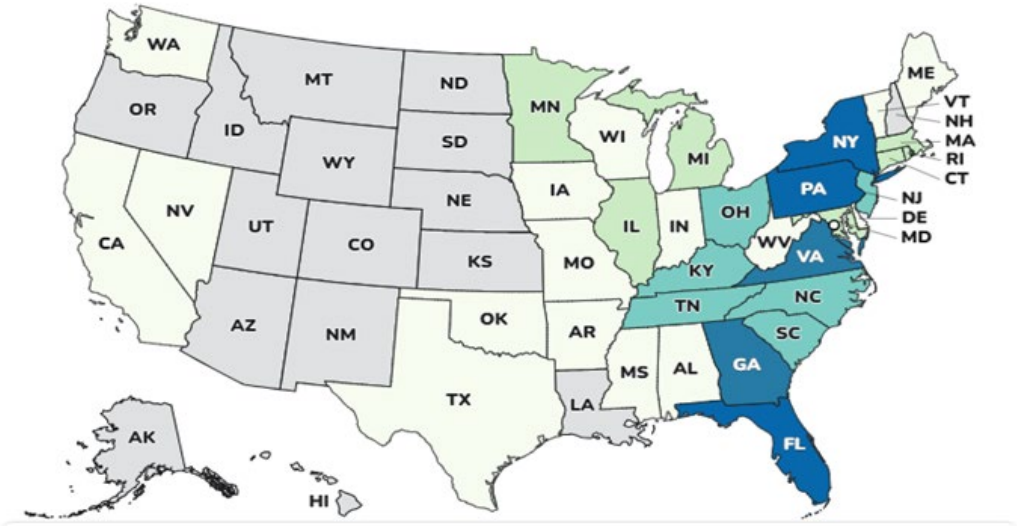
22. In 2024, the Centers for Disease Prevention and Control (CDC), public health and regulatory officials in several states, and the U.S. Food and Drug Administration (FDA) investigated a multistate outbreak of *Salmonella* Africana and *Salmonella* Braenderup infections. Epidemiologic, traceback and laboratory data showed that cucumbers were contaminated with *Salmonella* and made people sick.

23. CDC and FDA combined two outbreak investigations of *Salmonella* Africana and

[17] 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

Salmonella Braenderup infections as they shared several similarities, including where and when illnesses occurred, the demographics of ill people and the foods they reported eating before they became sick. The outbreak was assigned a single outbreak code, 2404MLAFR-1.

24. A total of 551 people infected with one of the outbreak strains of *Salmonella* Africana or *Salmonella* Braenderup were reported from thirty-four states and the District of Columbia (see map). Of these illnesses, 269 people were infected with the *Salmonella* Braenderup strain, and 282 people were infected with the *Salmonella* Africana strain. Illnesses started on dates ranging from March 11, 2024, to July 26, 2024. Of 456 people with information available, 155 were hospitalized and no deaths were reported.



25. State and local public health officials interviewed people about the foods they ate in the week before they got sick. Of 226 people with information, 155 (69%) reported eating cucumbers. This percentage was significantly higher than the 50% of respondents who reported eating cucumbers in the FoodNet Population Survey-a survey that helps estimate how often people eat various foods linked to diarrheal illness. This difference suggested that people in this outbreak got sick from eating cucumbers.

26. Public health investigators used the PulseNet system to identify illnesses that may have been part of this outbreak. Using a method called whole genome sequencing (WGS), analyses showed that bacteria from sick people's samples were closely related genetically. This supported the conclusion that people in this outbreak likely got sick from the same type of food.

27. Epidemiologic, traceback, and laboratory data determined that cucumbers from Bedner Growers, Inc. of Boynton Beach, Florida and Thomas Produce Company of Boca Raton, Florida were likely sources of illnesses in this outbreak.[18]

Facility inspections

28. As part of the investigation, FDA conducted onsite inspections at Bedner Growers, Inc. from June 5, 2024, to June 7, 2024. The inspection team was accompanied by representatives from Bedner Growers, Inc., the Florida Department of Agriculture and Consumer Services (FDACS), and Fresh Start Produce & Sales, Inc. The farm was no longer growing or harvesting produce at the time of inspection. Investigators observed that maintenance of food contact surfaces on the packing line were cracked, frayed, and pitted materials which did not appear to be easily cleaned. Investigators observed organic material build-up in harvest bins and harvest bins with cracks and damage areas that could not be easily cleaned.

29. FDA and representatives from FDACS also conducted farm inspections at Thomas Produce Company in Boca Raton, Florida from July 16, 2024, to July 26, 2024. The farm was no longer growing or harvesting produce at the time of inspection. Two items were noted and discussed with Thomas Produce Company representatives.

Laboratory testing of environmental samples

[18] *See* Investigation Update: Salmonella Outbreak, Cucumbers - June 2024 | Salmonella Africana Infection | CDC.

30. FDA collected seven environmental samples: four soil, two dead-end ultrafiltration (DEUF), and one environmental sample from Bedner Growers, Inc. between 06/05/2024 and 06/07/2024. Three of seven samples (one DEUF sample collected from irrigation canal sources and a packinghouse, one DEUF sample collected from the Packinghouse Field irrigation canal, and one soil sample collected from Packhouse Field) were positive for *Salmonella* spp., yielding 95 isolates which were identified to belong to ten different *Salmonella* serovars, representing 19 different Salmonella strains including one strain that matched one of the *S.* Braenderup outbreak strains. *Salmonella* serovars detected included: Urbana, Glostrup or Chomedey, Oranienburg, Hartford, IV 45:g,z51:-, Braenderup, Rubislaw, Sandiego, IIIb 47:k:z35, and Thompson.

31. FDA collected fourteen environmental samples (seven DEUF, four soil, one grab water, one drag swab, and one environmental sample) from Thomas Produce Company between 07/16/2024 and 07/24/2024. Nine of the 14 samples (seven DEUF, one grab water, and one drag swab sample) were positive for *Salmonella* spp., yielding 92 isolates which were identified to belong to 24 different Salmonella serovars, representing 45 *Salmonella* strains including one strain that matched one of the *S.* Braenderup strains. *Salmonella* serovars detected included: Poona, Rubislaw, Montevideo, Abaetetuba, Glostrup or Chomedey, Soahanina or Sundsvall, Irumu, Saintpaul, IIIb 48:1,v:1,5,(7), IIIb 60:r:e,n,x,z,15, Braenderup, Javiana, Saarbruecken, Thompson, Minnesota, Sandiego, Eastbourne, Florida, Newport, Miami or Sendai, Anatum, Arechavaleta, Muenchen, and Buzu.

32. Pennsylvania Department of Agriculture (PDA) collected one cucumber product sample from a grocery store location supplied by Fresh Start Produce & Sales, Inc. and sourced from Bedner Growers, Inc. that was reported to be positive for *Salmonella* Bareilly. PDA sent eighteen isolates associated with this positive sample to FDA for additional laboratory testing and

analysis. FDA confirmed the isolates provided were positive for *Salmonella* spp. In ten isolates analyzed. The serology for all isolates was *Salmonella* Bareilly, consistent with the reported findings from PDA.

Traceback summary

33. Based on traceback exposure information, FDA and state partners performed a traceback investigation for cucumbers. Initial traceback for the *Salmonella* Africana investigation included English cucumbers, however, review of case exposure information determined that whole regular cucumbers were the cause of this outbreak.

Product & Firm Actions

34. On June 1, 2024, Fresh Start Produce & Sales, Inc. initiated a recall of whole cucumbers shipped from 5/17/2024 through 5/21/2024 after the PDA informed the firm of a *Salmonella* positive product sample.[19]

35. On July 1, 2024, following a call with Bedner Growers, Inc., FDA received a commitment letter from Bedner Growers, Inc. agreeing to take steps to review the firm's conditions and practices and make changes to prevent *Salmonella* from getting on and/or growing in their cucumbers.

Plaintiff's Injuries

36. Ms. Smith was sickened by the potentially deadly *Salmonella* bacterium after consuming food on a Celebrity Summit cruise from April 20, 2024, through May 4, 2024. The only foods that Ms. Smith consumed between April 20, 2024, and May 4, 2024, were onboard the cruise ship. She consumed cucumbers in salads while on the ship.

37. The cucumbers were supplied to the cruise ship by Defendant Sun Commodities.

[19] *See* Recall Notice, Fresh Start Produce Sales Initiates Recall of Whole Cucumbers Because of Possible Health Risk | FDA 2024.

38. Ms. Smith experienced the onset of unpleasant gastrointestinal and systemic symptoms on May 5, 2024, including nausea, stomach cramping, and fatigue.

39. On May 19, 2024, Ms. Smith was evaluated at urgent care at Providence Immediate Care and at the MultiCare Capital Medical Center Emergency Department for diarrhea and abdominal pain.

40. On May 23, 2024, Ms. Smith was admitted to Providence St. Peter Hospital, where she was hospitalized for six days.

41. Ms. Smith' stool specimen collected on May 21, 2025, was PCR positive for *Salmonella* at Labcorp Seattle.

42. Her specimen was forwarded to the Washington Department of Health (WDOH) Public Health Laboratory (PHL) for serotyping, culture, and genetic sequencing. WDOH PHL determined that Olivia Smith was infected with *Salmonella Africana* (Specimen ID WA09998830). Whole genome sequencing (WGS) showed that Olivia Smith was a genetic match (PNUSAS441895) to patients infected with a strain of *Salmonella Africana* associated with consumption of contaminated cucumbers, CDC Outbreak 2404MLAFR-1.

CAUSES OF ACTION

COUNT I
STRICT LIABILITY

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

44. At all relevant times, the Defendant was the manufacturer, distributor, and/or seller of the adulterated food product that is the subject of the action.

45. The adulterated food product that the Defendant manufactured, distributed, stored, and/or sold was, at the time it left the Defendant's control, defective and unreasonably dangerous for its ordinary and expected use because it contained *Salmonella* bacteria.

46. The adulterated food product that the Defendant manufactured, distributed, stored, and/or sold was delivered to the Plaintiff without any change in its defective condition. The adulterated food product that the Defendant manufactured, distributed, stored, and/or sold was used in the manner expected and intended, and was consumed by the Plaintiff.

47. The Defendant owed a duty to the Plaintiff to manufacture, distribute, store, and/or sell only food that was not adulterated, was fit for human consumption, was reasonably safe in construction, and was free of pathogenic bacteria or other substances injurious to human health. The Defendant breached this duty.

48. The Defendant owed a duty of care to the Plaintiff to manufacture, distribute, store, and/or sell food that was fit for human consumption, and that was safe to the extent contemplated by a reasonable consumer. The Defendant breached this duty.

49. The Plaintiff suffered injury and damages as a direct and proximate result of the defective and unreasonably dangerous condition of the adulterated food product that the Defendant manufactured, distributed, stored, and/or sold.

COUNT II
BREACH OF WARRANTY

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

51. The Defendant is liable to the Plaintiff for breaching express and implied warranties that it made regarding the adulterated food product that the Plaintiff purchased. These express and implied warranties included 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 it distributed, stored, and/or sold was fit for human consumption and not otherwise adulterated or injurious to health.

52. The Plaintiff alleges that the *Salmonella*-contaminated food that the Defendant sold would not pass without exception in the trade and was therefore in breach of the implied warranty of merchantability.

53. The Plaintiff alleges that the *Salmonella*-contaminated food that the Defendant sold was not fit for the uses and purposes intended, i.e., human consumption, and that this product was therefore in breach of the implied warranty of fitness for its intended use.

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

COUNT III
NEGLIGENCE

55. The Defendant owed to the Plaintiff a duty to use reasonable care in the manufacture, distribution, and/or sale of its food product, the breach of which duty would have

prevented or eliminated the risk that the Defendant's food products would become contaminated with *Salmonella* or any other dangerous pathogen. The Defendant breached this duty.

56. The Defendant had a duty to comply with all statutes, laws, regulations, or safety codes pertaining to the manufacture, distribution, storage, and/or sale of its food product, but failed to do so, and was therefore negligent. The Plaintiff is among the class of persons designed to be protected by these statutes, laws, regulations, safety codes or provision pertaining to the manufacture, distribution, storage, and/or sale of similar food products.

57. The Defendant had a duty to properly supervise, train, and monitor its respective employees, and to ensure its compliance with all applicable statutes, laws, regulations, or safety codes pertaining to the manufacture, distribution, storage, and/or sale of similar food products, but it failed to do so, and was therefore negligent.

58. The Defendant had a duty to use ingredients, supplies, and other constituent materials that were reasonably safe, wholesome, free of defects, and that otherwise complied with applicable federal, state, and local laws, ordinances and regulations, and that were clean, free from adulteration, and safe for human consumption, but it failed to do so and was therefore negligent.

59. As a direct and proximate result of the Defendant's acts of negligence, the Plaintiff sustained injuries and damages in an amount to be determined at trial.

COUNT IV
NEGLIGENCE PER SE

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

61. The Defendant had a duty to comply with all applicable state and federal regulations intended to ensure the purity and safety of its food product, including the requirements of the Federal Food, Drug and Cosmetics Act (21 U.S.C. § 301 et seq.), and its Washington State

equivalents, including but not limited to the Uniform Washington Food, Drug, and Cosmetic Act, RCW 69.04.001 to 69.04.880, inclusive.

62. The Defendant failed to comply with the provisions of the health and safety acts identified above, and, as a result, was negligent *per se* in its manufacture, storage, distribution, and/or sale of food adulterated with *Salmonella*.

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

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

DAMAGES

65. The Plaintiff has suffered general, special, incidental, and consequential damages as the direct and proximate result of the acts and omissions of the Defendant, in an amount that shall be fully proven at the time of trial. These damages include but are not limited to damages for general pain and suffering; damages for loss of enjoyment of life, both past and future; medical and medical related expenses, both past and future; emotional distress, past and future; pharmaceutical expenses, past and future; and all other ordinary, incidental, or consequential damages that would or could be reasonably anticipated to arise under the circumstances.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following relief:

66. That the Court award Plaintiff judgment against Defendant, in such sums as shall be determined to fully and fairly compensate the Plaintiff for all general, special,

incidental and consequential damages incurred, or to be incurred, as the direct and proximate result of the acts and omissions of Defendant, in an amount to be proven at trial.

67. That the Court award Plaintiff her costs, disbursements and reasonable attorneys' fees incurred.

68. That the Court award Plaintiff 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

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

JURY DEMAND

70. Plaintiff demands a trial by jury on all issues so triable with the maximum number of jurors permitted by law.

RESPECTFULLY SUBMITTED this 30th day of March 2026.

/s/ William D. Marler

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