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13 (motion for *pro hac vice* forthcoming)
14 *Attorneys for Plaintiffs*

15 **SUPERIOR COURT FOR THE STATE OF CALIFORNIA**

16 **COUNTY OF ORANGE**

17 JULIE PANELLI, an individual, PAUL
18 PANELLI, an individual;

19 Plaintiffs,

20 v.

21 BRISTOL FARMS, a California
22 Corporation; and RAW FARM, LLC, a
23 California Limited Liability Company;

24 Defendants.

Case No.:

UNLIMITED JURISDICTION

**PLAINTIFFS' COMPLAINT FOR
DAMAGES FOR:**

1st Cause of Action: Strict Product Liability

**2nd Cause of Action: Breach of Implied
Warranty**

3rd Cause of Action: Negligence

4th Cause of Action: Negligence *Per se*

DEMAND FOR JURY TRIAL

25 **PLAINTIFFS' COMPLAINT**

26 COMES NOW Plaintiffs JULIE AND PAUL PANELLI who, by and through their
27 attorneys, QUIRK LAW FIRM, LLP and MARLER CLARK, INC., PS (motion for *pro hac vice*
28 forthcoming), allege upon information and belief as follows:

1 **PARTIES**

2 1. Plaintiffs, Julie Panelli and Paul Panelli (“Plaintiffs”) are residents of Corona Del
3 Mar in Orange County, California.

4 2. The Defendant, Bristol Farms (“Bristol Farms”), is a domestic for-profit
5 corporation company organized and existing under the laws of the State of California, with its
6 principal place of business located at 915 E. 230th Street, Carson, Los Angeles County, CA
7 90745. At all times relevant to this matter, Bristol Farms was the manufacturer, supplier,
8 packager, distributor, and/or seller of the adulterated food product that is the subject of this
9 action, and the owner and operator of the Bristol Farms Grocery Store located at 810 Avocado
10 Avenue, Newport Beach, Orange County, California 92660.

11 3. The Defendant, Raw Farm, LLC (“Raw Farm”), is a domestic limited liability
12 company organized and existing under the laws of the State of California, with its principal place
13 of business located at 7221 S Jameson Ave, Fresno, Fresno County, California 93706. Raw Farm
14 was the manufacturer, supplier, packager, distributor, and/or seller of the adulterated food
15 product that is the subject of this action.

16 **JURISDICTION AND VENUE**

17 4. Plaintiffs’ causes of action arose and accrued in Orange County, California, and
18 Defendants’ principal places of business are in Los Angeles and Fresno Counties, California.
19 Therefore, jurisdiction and venue are proper in this Court.

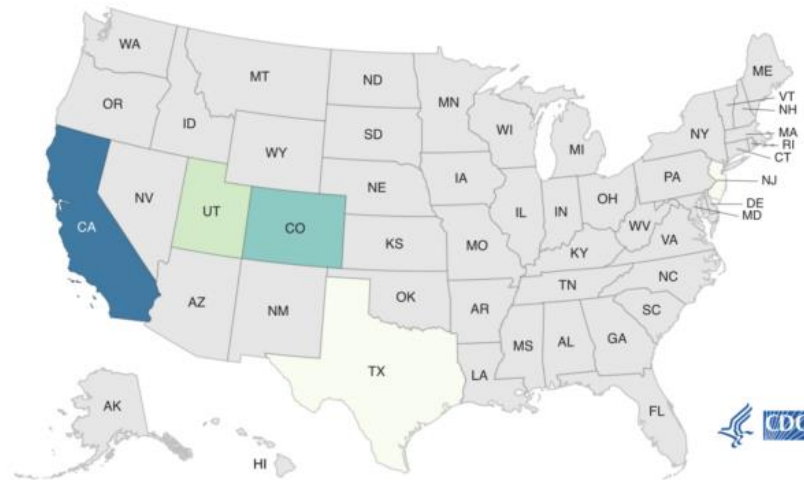
20 **GENERAL ALLEGATIONS**

21 **An Outbreak of *E. coli* Associated with Raw Farms, LLC Raw Milk Cheese**

22 5. CDC, public health and regulatory officials in several states, and the U.S. Food and
23 Drug Administration (FDA), are collecting different types of data to investigate a multistate
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1 outbreak of *E. coli* O157:H7 infections. Epidemiologic data show that Raw Farm brand raw
2 cheddar cheese is making people in this outbreak sick.

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4 6. Since the last update, one new illness and one new state were reported. One sick
5 person in New Jersey reported eating raw cheddar cheese during travel to Colorado in the week
6 before they got sick. As of February 28, 2024, a total of 11 people infected with the outbreak strain
7 of *E. coli* have been reported from 5 states – New Jersey, Texas, Colorado, Utah and California.
8 Illnesses started on dates ranging from October 18, 2023, to February 5, 2024. Of 11 people with
9 information available, 5 have been hospitalized and 2 developed hemolytic uremic syndrome, a
10 serious condition that can cause kidney failure. No deaths have been reported.
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21 7. State and local public health officials are interviewing people about the foods they
22 ate in the week before they got sick. Of the 9 people interviewed, 7 (78%) specifically reported
23 eating Raw Farm brand raw cheddar cheese. This percentage was significantly higher than the
24 4.9% of respondents who reported eating any raw milk cheese in the FoodNet Population Survey—
25 a survey that helps estimate how often people eat various foods linked to diarrheal illness. This
26 difference suggests that people in this outbreak got sick from eating Raw Farm brand raw cheddar
27 cheese.
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1 8. Public health investigators are using the PulseNet system to identify illnesses that
2 may be part of this outbreak. CDC PulseNet manages a national database of DNA fingerprints of
3 bacteria that cause foodborne illnesses. DNA fingerprinting is performed on bacteria using a
4 method called whole genome sequencing (WGS). WGS showed that bacteria from all sick people's
5 samples are closely related genetically. This suggests that people in this outbreak got sick from the
6 same food.
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8 9. Officials in California, Colorado, and Utah collected various Raw Farm products
9 for testing including raw milk, raw butter, raw cheddar cheese, and raw kefir. So far, no samples
10 have tested positive for *E. coli*. Additional testing is ongoing.
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25 10. On February 26, 2024, Raw Farm brand withdrew their recall. However, CDC
26 continues to advise people not to eat, sell, or serve Raw Farm brand raw cheddar cheese while the
27 investigation is ongoing.
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1 **Previous Raw Farm, LLC Recalls and Outbreaks**

2 11. Since September 2006, Raw Farm, LLC, formerly known as Organic Pastures
3 Dairy Company (“OPDC”), has issued multiple recalls of unpasteurized milk products, and been
4 linked to multiple outbreaks as outlined below.
5

6 12. The following table shows Raw Farm’s previous history with contaminated
7 products:

8

<u>Date</u>	<u>Product</u>	<u>Contaminant</u>	<u>Recall/Illnesses</u>
September 2006	Raw Milk	<i>E. coli</i> O157:H7	Six ill, two with Hemolytic Uremic Syndrome
September 2007	Raw Cream	<i>Listeria monocytogenes</i>	Recall Issued
December 2007	Raw Milk	<i>Campylobacter</i>	Eight Illnesses
September 2008	Raw Cream	<i>Campylobacter</i>	Recall Issued
November 2011	Raw Milk	<i>E. coli</i> O157:H7	Five ill, three with Hemolytic Uremic Syndrome
May 2012	Raw Milk/Cream	<i>Campylobacter</i>	10 Illnesses
October 2015	Raw Milk	<i>Campylobacter</i>	Recall Issued
January 2016	Raw Milk	<i>E. coli</i> O157:H7	Nine ill, two with Hemolytic Uremic Syndrome
May 2023	Raw Milk	<i>Campylobacter</i>	Recall Issued
August 2023	Unpasteurized Cheese	<i>Salmonella</i>	Recall Issued
December 2023	Raw Milk	<i>Salmonella</i>	19 Illnesses

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21 **E. coli O157:H7 Infection and Hemolytic Uremic Syndrome**

22 13. *Escherichia coli* are the name of a common family of bacteria, most members of
23 which do not cause human disease. *E. coli* O157:H7 is a specific member of this family that can
24 cause bloody diarrhea (hemorrhagic colitis) in humans. In the years since *E. coli* O157:H7 was
25 first identified as a cause of diarrhea, this bacterium has established a reputation as a significant
26 public health hazard.
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1 14. *E. coli* O157:H7 lives in the intestines of cattle and other ruminants. *E. coli*
2 O157:H7 is also notable among pathogenic bacteria for its extremely low infectious dose—that is,
3 the number of bacteria necessary to induce infection in a person. While for most pathogenic
4 bacteria, it takes literally millions of bacterial colonies to cause illness, it is now known that fewer
5 than 50 *E. coli* O157:H7 bacteria can cause illness in a child. The practical import is that even a
6 microscopic amount of exposure can trigger a devastating infection.
7

8 15. The most severe cases of *E. coli* O157:H7 infection occur in young children and in
9 the elderly, presumably because the immune systems in those age populations are the most
10 vulnerable. After a susceptible individual ingests *E. coli* O157:H7, the bacteria attach to the inside
11 surface of the large intestine and initiate an inflammatory reaction in the intestine, which ultimately
12 results in the painful, bloody diarrhea and abdominal cramps characteristic of the intestinal illness.
13

14 16. The mean incubation period (time from ingestion to the onset of symptoms) of *E.*
15 *coli* O157:H7 is estimated to be two to four days (range from 1-21 days). Typically, a patient with
16 an acute *E. coli* O157:H7 infection presents with abdominal cramps, bloody diarrhea, and vomiting.
17 The duration of diarrhea in children with *E. coli* O157:H7 infections is significantly longer than
18 that of adults.
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20 17. *E. coli* O157:H7 can produce a wide spectrum of diseases from mild, non-bloody
21 diarrhea to severe, bloody diarrhea accompanied by excruciating abdominal pain to life-
22 threatening complications. In most infected individuals, the intestinal illness lasts about a week
23 and resolves without any long-term effects. Antibiotics do not appear to aid in combating these
24 infections, and recent medical studies suggest that antibiotics are contraindicated for their risk of
25 provoking more serious complications. Apart from good supportive care, which should include
26 close attention to hydration and nutrition, there is no specific therapy.
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1 18. About 10% of individuals with *E. coli* O157:H7 infections (mostly young children)
2 go on to develop hemolytic uremic syndrome (HUS), a severe, potentially life-threatening
3 complication. The essence of the syndrome is described by its three central features: the destruction
4 of red blood cells, the destruction of platelets (those blood cells responsible for clotting), and acute
5 renal failure due to the formation of micro-thrombi that occlude microscopic blood vessels that
6 make up the filtering units within the kidneys.
7

8 19. There is no known therapy to halt the progression of HUS. The active stage of the
9 disease usually lasts one to two weeks, during which a variety of complications are possible. HUS
10 is a frightening illness that, even in the best American medical facilities, has a mortality rate of
11 about 5%. Most HUS patients require transfusion of blood products and develop complications
12 common to the critically ill.
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14 **Plaintiffs' *E. coli* O157:H7 Illnesses**

15 20. Plaintiffs purchased Raw Farm Cheddar Cheese at the Bristol Farms store located
16 at 810 Avocado Avenue, Newport Beach, CA 92660, on December 7, 2023.
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18 21. Plaintiffs consumed the Raw Farm Cheddar Cheese on December 15, 2023.

19 22. Both Plaintiffs began suffering symptoms consistent an *E. coli* O157:H7 infection
20 on December 17, 2023, although Plaintiff Julie Panelli's symptoms worsened considerably.
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22 23. On December 20, 2023, Plaintiff Julie Panelli's symptoms included a high fever,
23 stomach cramps, diarrhea, lethargy, headache and vomiting and she was seen in the Emergency
24 Room at Hoag Hospital

25 24. Plaintiff Julie Panelli was admitted due to the severity of her symptoms, but
26 remained in the Hoag Hospital ER for over twenty-four hours waiting for an isolation room as
27 providers were concerned about what might be causing her illness.
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1 safety codes, and provisions pertaining to the manufacture, distribution, storage, and sale of
2 similar food products. The Defendants breached this duty and were therefore negligent.

3 47. The Defendants had a duty to properly supervise, train, and monitor their
4 respective employees, and to ensure that their respective employees complied with all applicable
5 statutes, laws, regulations, safety codes, and provisions pertaining to the manufacture,
6 distribution, storage, and sale of similar food products. The Defendants breached this duty and
7 were therefore negligent.
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9 48. The Defendants had a duty to use ingredients, supplies, and other constituent
10 materials that were reasonably safe, wholesome, and free of defects, and that otherwise complied
11 with applicable federal, state, and local laws, ordinances, regulations, codes, and provisions and
12 that were clean, free from adulteration, and safe for human consumption. The Defendants
13 breached this duty and were therefore negligent.
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15 49. As a direct and proximate result of the Defendants' negligence, Plaintiffs
16 sustained injuries and damages in an amount to be determined at trial.
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18 **Negligence *Per se* – Count IV**

19 50. Plaintiffs incorporate paragraphs 1-49 herein by reference.

20 51. The Defendants had a duty to comply with all applicable state and federal
21 regulations intended to ensure the purity and safety of its food product, including the
22 requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301, et seq.), and similar
23 California food and public health statutes which prohibit the manufacture and sale of any food
24 that is adulterated or otherwise injurious to health.
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26 52. The Defendants breached that duty and, as a result, were negligent *per se* in the
27 manufacture, distribution, and sale of food adulterated with a deadly pathogen.
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