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5
6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SNOHOMISH
7

8 QUINTIN TISSOT, an individual,) NO.
9)
10)
Plaintiff,)
11 vs.) **COMPLAINT FOR PERSONAL**
12) **INJURY AND DAMAGES**
TWIN SISTERS CREAMERY, LLC,)
13 A Washington corporation,)
Defendant.)
14

COMES NOW Plaintiff, QUINTIN TISSOT, by and through his attorneys of record,
15 MARLER CLARK, INC., PS, and alleges as follows:
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17 **I. PARTIES AND JURISDICTION**

18 1.1 Plaintiff, QUINTIN TISSOT (“Plaintiff”), resides in Snohomish County,
Washington.

19 1.2 Defendant TWIN SISTERS CREAMERY, LLC (“Defendant”) is a corporation
20 organized under the laws of the State of Washington, with its principal place of business located at
21

1 5546 Douglas Fir Ln, Ferndale, WA 98248. At all material times, Defendant was engaged in the
2 manufacture, distribution, and sale of food products, including raw-milk (unpasteurized) cheese,
3 within the state of Washington, including in Snohomish County.

4 1.3 This Court has jurisdiction, and venue is proper because the incident complained of
5 herein occurred in Snohomish County, Washington, and because Defendant, at all times relevant,
6 was doing business within the state of Washington.

7 **II. FACTS**

8 **The Outbreak**

9 2.1 Between October and December 2025, an outbreak of Shiga toxin-producing *E. coli*
10 (STEC) infections was identified and investigated. The outbreak was ultimately linked to aged raw-
11 milk (unpasteurized) cheese produced by Twin Sisters Creamery. The Washington State Department
12 of Health (WADOH) worked with local and state agencies, the Oregon Health Authority (OHA), and
13 federal public health partners to investigate STEC infections associated with the consumption of
14 aged raw milk cheese.

15 2.2 In Washington, a total of nine cases were reported. One case was hospitalized. Oregon
16 reported one case in this outbreak. Of the first three Washington cases reported, one case was a child
17 under five years of age and two individuals were adults.

18 2.3 Illness onset among these first cases occurred between September 5 and September
19 16, 2025. In general, all reported cases experienced illness onset before the cheese recall issued on
20 October 24, 2025. Molecular fingerprinting of the bacteria isolated from the cases revealed extremely
21 similar genetic patterns, suggesting a common source of infection.

1 2.4 The Oregon case reported consuming Twin Sisters Creamery Farmhouse cheese prior
2 to the onset of symptoms. This cheese was produced from raw, unpasteurized milk and was aged at
3 least 60 days, as required by law to reduce potential pathogens.

4 2.5 An opened, leftover sample of Twin Sisters Creamery Farmhouse cheese tested
5 positive for *E. coli* O103. A second, unopened Twin Sisters Creamery cheese sample collected from
6 a retail location by the Washington State Department of Agriculture (WSDA) also tested positive for
7 STEC. Additional unopened cheese samples from multiple retail locations were collected for testing,
8 with results unknown.

9 2.6 Laboratory testing confirmed that samples of Twin Sisters Creamery cheese
10 contained two different STEC strains associated with reported cases: *E. coli* O103 and *E. coli* O26.
11 Molecular fingerprinting of the *E. coli* O103 bacteria from the first three cases was extremely similar
12 to the *E. coli* O103 identified in both the Twin Sisters Creamery Farmhouse and Whatcom Blue
13 cheeses. Similarly, the *E. coli* O26 strain isolated from six patients matched the *E. coli* O26 strain
14 identified in Twin Sisters Creamery Peppercorn Farmhouse cheese.

15 2.7 As a result of the investigation, all sizes of Whatcom Blue, Farmhouse, Peppercorn,
16 and Mustard Seed varieties of aged cheese produced by Twin Sisters Creamery on or after May 27,
17 2025 were recalled. Recall notices were issued by Twin Sisters Creamery and a distributor, Peterson
18 Company.

19 2.8 On July 9, 2025, the Washington State Department of Agriculture issued a Notice of
20 Correction to Twin Brook Creamery, the milk supplier for Twin Sisters Creaming, informing it that
21 the raw holding tank at its plant, located at 9728 Double Ditch Road in Lynden, Washington,

1 contained a bacterial count exceeding 2,000,000 bacteria per milliliter—far above the legal limit of
2 300,000 per milliliter. WSDA instructed the creamery to “take whatever corrective measures
3 necessary to bring the bacterial counts of [its] product within the legal limits.”

4 2.9 On the same date, July 9, 2025, WSDA also warned Twin Brook Creamery that the
5 leukocyte (somatic cell) count in its raw milk measured 1,200,000 cells per milliliter, more than three
6 times the applicable legal limit.

7 2.10 On September 18, 2025, WSDA issued another Notice of Correction to Twin Brook
8 Creamery after determining that the bacterial count in its raw cow’s milk was approximately 100,000
9 per milliliter, exceeding the applicable regulatory limit, and directed the creamery to correct the
10 violation.

11 2.11 On October 14, 2025, WSDA again notified Twin Brook Creamery that the bacterial
12 count in its raw cow’s milk was in violation of Washington law.

13 2.12 On November 3, 2025, WSDA issued an additional Notice of Correction to Twin
14 Brook Creamery after testing revealed that the bacterial count in its raw cow’s milk had again
15 exceeded the legal limit of 80,000 bacteria per milliliter, reaching approximately 300,000 bacteria
16 per milliliter. The creamery was again instructed to correct the violation.

17 **The Shiga toxin-producing *E. coli* Bacteria:**

18 2.13 *Escherichia coli* (*E. coli*) is an archetypal commensal bacterial species that inhabits
19 the intestines of mammals. *E. coli* O103 is one of thousands of serotypes within the *E. coli* species.
20 The combination of letters and numbers in the name of the *E. coli* O103 refers to the specific antigens
21 (proteins which provoke an antibody response) found on the body and tail or flagellum respectively,
and distinguish it from other types of *E. coli*.

1 2.14 Non-O157 Shiga toxin-producing *Escherichia coli* (STEC) are emerging serogroups
2 that often result in diseases ranging from diarrhea to severe hemorrhagic colitis in humans. The most
3 common non-O157 STEC are O26, O45, O103, O111, O121, and O145. These serogroups are known
4 by the name “big six” because they cause severe illness and death in humans and the United States
5 Department of Agriculture declared these serogroups as food contaminants. The lack of fast and
6 efficient diagnostic methods exacerbates the public impact of the disease caused by these serogroups.

7 2.15 STEC are notable among pathogenic bacteria for their extremely low infectious
8 dose—that is, the number of bacteria necessary to induce infection in a person. While for most
9 pathogenic bacteria, it takes literally millions of bacterial colonies to cause illness, it is now known
10 that fewer than 50 STEC bacteria can cause illness in a child. The practical import is that even a
11 microscopic amount of exposure can trigger a devastating infection.

12 2.16 Following ingestion, STEC attach to the inside surface of the large intestine and
13 initiate an inflammatory reaction of the intestine. What ultimately results is the painful, bloody
14 diarrhea and abdominal cramps characteristic of the intestinal illness.

15 2.17 STEC infections can produce a wide range of symptoms, from mild, non-bloody
16 diarrhea to severe bloody diarrhea accompanied by excruciating abdominal pain to life-threatening
17 complications. In most infected individuals, the intestinal illness lasts about a week and resolves
18 without any long-term effects. Antibiotics do not appear to aid in combating these infections, and
19 recent medical studies suggest that antibiotics are contraindicated for their risk of provoking more
20 serious complications. Apart from good supportive care, which should include close attention to
21 hydration and nutrition, there is no specific therapy.

1 2.18 The mean incubation period (time from ingestion to the onset of symptoms) of STEC
2 is estimated to be two to four days, with a reported range of one to twenty-one days. STEC are easily
3 transmitted by person-to-person contact. Individuals may continue to shed the bacteria for weeks or
4 even months after symptoms have resolved.

5 2.19 Approximately 10% of individuals with STEC (most commonly young children) go
6 on to develop hemolytic uremic syndrome (HUS), a severe, potentially life-threatening complication.
7 The essence of the syndrome is described by its three central features: destruction of red blood cells,
8 destruction of platelets (those blood cells responsible for clotting), and acute renal failure due to the
9 formation of micro-thrombi that occlude microscopic blood vessels that make up the filtering units
10 within the kidneys.

11 2.20 There is no known therapy to halt the progression of HUS. The active stage of the
12 disease usually lasts one to two weeks, during which a variety of complications are possible. HUS is
13 a frightening illness that, even in the best American medical facilities, has a mortality rate of about
14 5%. Most HUS patients require transfusion of blood products and develop complications common
15 to the critically ill.

16 **Plaintiff's STEC Infection:**

17 2.21 Plaintiff Quintin Tissot is a 33-year-old resident of Edmonds, Washington. At all
18 relevant times, Plaintiff was employed as the Sous Chef at the Barking Frog restaurant in
19 Woodinville, Washington. As part of his professional duties, Plaintiff routinely tastes food products
20 used in the restaurant's kitchen to evaluate quality, flavor, and preparation.

1 2.22 On or about October 15, 2025, while performing his duties at work, Plaintiff
2 consumed approximately one ounce of Whatcom Blue Cheese produced by Twin Sisters Creamery.

3 2.23 On or about October 20, 2025, Plaintiff began experiencing symptoms consistent with
4 a gastrointestinal infection, including nausea, diarrhea, severe abdominal cramping, muscle aches,
5 and fatigue. Over the following days, Plaintiff's symptoms worsened and included persistent diarrhea
6 and debilitating abdominal pain.

7 2.24 On October 26, 2025, Plaintiff sought medical care at Swedish Medical Group Urgent
8 Care, where he was evaluated for a seven-day history of diarrhea and abdominal cramping. A stool
9 specimen was collected for laboratory analysis to determine the cause of Plaintiff's illness.

10 2.25 Shortly thereafter, Plaintiff was notified that the stool specimen tested positive for
11 Shiga toxin. Plaintiff was instructed to seek emergency medical care.

12 2.26 On October 27, 2025, Plaintiff presented to the emergency department at Swedish
13 Mill Creek Emergency Center for further evaluation and treatment. There, he reported multiple daily
14 episodes of diarrhea and abdominal pain. Laboratory testing revealed an elevated white blood cell
15 count, and a CT scan of the abdomen and pelvis demonstrated findings consistent with colitis.
16 Plaintiff received intravenous fluids for dehydration and additional evaluation before being
17 discharged with instructions for supportive care.

18 2.27 Laboratory testing later confirmed that Plaintiff's stool specimen was positive for
19 Shiga toxin-producing *Escherichia coli* O103:H2. The infection was further confirmed by the
20 Washington State Public Health Laboratory, which identified Shiga toxin type 1 associated with the
21 bacterium.

1 in Defendant's product line.

2 3.5 As a direct and proximate result of the defective and unreasonably dangerous
3 condition of Defendant's product, Plaintiff consumed the contaminated cheese, contracted a STEC
4 infection, and suffered severe personal injuries, as well as economic loss.

5 3.6 Pursuant to the WPLA, Defendant is strictly liable to Plaintiff for all injuries and
6 damages proximately caused by the defective, contaminated, and adulterated product.

7 **IV. SECOND CAUSE OF ACTION**

8 **NEGLIGENCE**

9 4.1 Defendant manufactured, distributed, and sold a product that was not reasonably safe
10 as designed or manufactured within the meaning of the WPLA, RCW 7.72.030(1).

11 4.2 At all relevant times, Defendant owed a duty to Plaintiff and to the consuming public
12 to exercise reasonable care in the manufacture, processing, storage, handling, distribution, and sale
13 of its cheese products so that such products were safe for human consumption. Defendant breached
14 this duty.

15 4.3 Defendant further owed a duty to implement and maintain adequate sanitation, food
16 safety practices, quality control measures, and pathogen controls, including measures reasonably
17 designed to prevent contamination by Shiga toxin-producing *Escherichia coli*, including *E. coli*
18 O103. Defendant breached this duty.

19 4.4 Defendant also had a duty to comply with all applicable federal and state statutes and
20 regulations governing the manufacture, processing, storage, labeling, distribution, and sale of their
21 food products, including, but not limited to, the Federal Food, Drug, and Cosmetics Act, 21 U.S.C.

1 § 342, which bans the manufacture, sale, or distribution of adulterated food, and Washington
2 Department of Agriculture regulations regarding bacterial counts and raw milk handling. Defendant
3 breached this duty.

4 4.5 Plaintiff is among the class of persons intended to be protected by these statutory and
5 regulatory requirements.

6 4.6 As a direct and proximate result of Defendant's negligence, Plaintiff consumed the
7 contaminated cheese, contracted a STEC infection, and suffered severe personal injuries, as well as
8 economic loss.

9 **V. THIRD CAUSE OF ACTION**

10 **BREACH OF IMPLIED WARRANTY**

11 5.1 At all relevant times, Defendant was a "merchant" with respect to the manufacture,
12 sale, and distribution of food products, including the cheese product consumed by Plaintiff, within
13 the meaning of RCW 62A.2-104.

14 5.2 Pursuant to RCW 62A.2-314, Defendant impliedly warranted that its cheese products
15 were merchantable, which includes that they were safe for human consumption, free from harmful
16 contamination or adulteration, and properly packaged, labeled, and of average quality within the
17 trade.

18 5.3 Pursuant to RCW 62A.2-315, Defendant impliedly warranted that its cheese products
19 were fit for a particular purpose when Defendant knew or had reason to know that Plaintiff would
20 use the product for food consumption and relied on Defendant's skill or judgment in selecting and
21 providing a safe, consumable product.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays, having stated his claims in full, for judgment by this Court
3 against the defendants as follows:

- 4 1. For general damages, in amounts to be proven at the time of trial;
5 2. For special damages, in amounts to be proven at the time of trial;
6 3. For costs, including his reasonable attorney fees; and
7 4. For such other and further relief as the Court deems just and equitable in the
8 circumstances.

9 Plaintiff further requests that the court award Plaintiff the opportunity to amend or modify
10 the provisions of this complaint as necessary or appropriate after additional or further discovery is
11 completed, and after all appropriate parties have been served.

12
13 DATED this 8th day of April 2026.

14
15 MARLER CLARK, INC., P.S.

16
17 */s/ William D. Marler*

18 William D. Marler, WSBA #17233
19 Ilana P. Korchia, WSBA #60180
Attorneys for Plaintiff