



## PRESS RELEASE - Food safety lawyers at Ron Simon & Associates filed the nation's first wrongful death lawsuit stemming from the hepatitis A outbreak linked to a Townsend Farms frozen berry blend sold at Costco stores.

Date | March 24, 2015

### **First Wrongful Death Lawsuit Filed in Costco's Hepatitis A Outbreak**

Today the food safety lawyers at Ron Simon & Associates filed the nation's first wrongful death lawsuit stemming from the hepatitis A outbreak linked to a Townsend Farms frozen berry blend sold at Costco stores. The CDC identified the tainted berries as the source of over 165 hepatitis A illnesses in 10 states. A file-stamped copy of the complaint is attached.

The lawsuit was filed in Los Angeles, California against Costco, Townsend Farms, and other suppliers of the tainted fruit on behalf the Estate of Virginia Jolson and her six surviving children.

Ms. Jolson, a healthy, independently-living 88-year old Arizona resident, had eaten Townsend Farms Organic Antioxidant Blend frozen berries daily in smoothies during the weeks preceding her hepatitis A illness. She experienced the first symptoms of illness on March 31, 2013. She was first seen at St. Mary's Hospital in Tucson on April 8<sup>th</sup>, and admitted that day with a history of nausea, vomiting and debilitating weakness.

Over the next four weeks, Virginia's condition deteriorated so drastically that her physicians placed her on dialysis and inserted a chest catheter. By May 5<sup>th</sup>, the physicians compassionately decided to end what had been 28 days of aggressive hospital care, explaining to the family that her liver simply could not recover from the hepatitis A illness.

On May 6<sup>th</sup>, Virginia's physicians sent her home for hospice care. Virginia passed away the next morning, leaving 6 children and 17 grandchildren.

Her death certificate lists the only cause of death as "acute, fulminant hepatitis A."

### **CDC Identifies Townsend Farms' Berries Sold at Costco as Source of Hepatitis Illnesses**

On May 31, 2013, the U.S Centers for Disease Control and Prevention ("CDC") announced its investigation of a multistate outbreak of hepatitis A infections.

As the investigation unfolded, the CDC, working with state and local investigators, identified imported Turkish pomegranate seeds, incorporated into a Townsend Farms Organic Antioxidant Blend berry mix sold at Costco, as the common food shared by the victims. Townsend Farms and Costco later recalled the contaminated berry mix.

The CDC identified over 165 hepatitis A illnesses in 10 states, including Arizona (24), California (80), Colorado (29), Hawaii (8), New Hampshire (1), New Jersey (1), New Mexico (11), Nevada (6), Utah (3), and Wisconsin (2). A summary of the outbreak and investigation can be found at: <http://www.cdc.gov/hepatitis/Outbreaks/2013/A1b-03-31/index.html>.

### **Ron Simon Issues Statement for Virginia Jolson's Family**

Ron Simon issued the following statement today on behalf of Virginia's family:

"Too many tainted, foreign products are making their way into our food system. Wholesalers and mass retailers in the United States are not testing and verifying that the products they sell are free from deadly pathogens. Had they done so, Virginia Jolson would be alive and well today.

Through this litigation, we will make sure that Costco, Townsend Farms, and their suppliers implement proper food safety systems so that others do not suffer the same fate as Virginia Jolson."

Ron Simon & Associates represents over 40 victims of the outbreak, and has already filed over a dozen lawsuits.

Simon told reporters that he will file more lawsuits in the coming weeks. Costco and Townsend Farms continue to deny all responsibility for their customers' illnesses.