



PRESS RELEASE - Food Safety Lawyer Ron Simon Files First Four Cyclospora Lawsuits In Texas, Nebraska, and Ohio Linked to Contaminated Leafy Greens

Date | August 26, 2013

Houston-based national food safety lawyer Ron Simon has filed the first four Cyclospora lawsuits in Texas, Nebraska, and Ohio stemming from a multi-state outbreak linked to leafy greens produced in and imported from Mexico by Taylor Farms. The tainted greens were served at Olive Garden, Red Lobster, and several independent restaurants and have now been linked to illnesses in over 600 victims across 22 states. Copies of the lawsuits are attached.

Smith Lawsuit Filed in Texas

Mr. Simon filed the first Texas Cyclospora lawsuit in Harris County on behalf of Kennon and Lyndsay Smith against Bob's Taco Station, Taylor Farms, and Max Luna Produce.

The Smiths, who lead physically active and healthy lives, consumed tamales and tacos with lettuce and cilantro at Bob's Taco Station in Rosenberg, Texas on July 6, 2013. Shortly thereafter, they began experiencing symptoms consistent with Cyclospora poisoning, including nausea, persistent diarrhea, fever, headaches and dehydration, abdominal cramping and stomach pain, muscle pain, severe bloating and gas, persistent fatigue, and loss of appetite.

The Smiths endured their illnesses for nearly one week, believing they were suffering from some form of food poisoning that would resolve within a matter of days. But when their symptoms did not improve, they called on a family physician to prescribe medication. Even after taking the prescribed antibiotics, the symptoms did not subside. They again sought medical attention at a local clinic and were treated with additional medication.

By late July, the Smiths became very concerned because their symptoms still had not resolved and Kennon had lost significant amounts of time from work. Kennon again sought medical treatment which included a stool test. Those test results later confirmed that Kennon had tested positive for the Cyclospora parasite. As a result, Lyndsay was also treated for Cyclospora poisoning.

The Smiths were later contacted by health officials from Fort Bend County and recorded as a part of the Texas Cyclospora outbreak.

May and Sanguinetti Lawsuits Filed in Nebraska

Mr. Simon filed the first two Nebraska Cyclospora lawsuits in Lancaster County on behalf of Laurenda and Richard Sanguinetti, a mother and her son, and Erin May, a pregnant mother-to-be. All three victims consumed tainted salad served at the Olive Garden restaurant located at 90 Gateway Mall in Lincoln, Nebraska.

The Sanguinettis are residents of Midlothian, Texas who became ill shortly after their meal with extreme diarrhea, vomiting, bloating and gas, nausea, fever and chills, dehydration and related headaches, body aches and cramping, loss of appetite, anxiety and dizziness, and weight loss. Both Laurenda and Richard attempted to self-treat their illnesses initially, thinking they had a virus or the flu. But when their symptoms did not subside, they both sought medical care at Mansfield Methodist Hospital.

Richard's stool test came back positive for the Cyclospora parasite. Once his results became known, doctors began treating both Richard and Laurenda for Cyclosporiasis.

Shortly after her meal at Olive Garden, Erin May also began to experience diarrhea, vomiting, nausea, fever and chills, dehydration, loss of appetite and related weight loss. She was initially diagnosed with gastroenteritis, and thereafter her symptoms were deemed to be pregnancy-related. But by mid- July, it became obvious that the symptoms were not improving and there was another more serious underlying condition. She again sought treatment from her primary care physicians and provided a stool culture.

Her test results arrived on July 12th and indicated that she had tested positive for the Cyclospora parasite. At that point, Erin was diagnosed with cyclosporiasis. She was prescribed the sulfate-antibiotic Bactrim for two weeks. The decision to treat her with Bactrim was complex, given the considerable controversy regarding treatment of a pregnant woman with a category C drug.

Richard, Laurenda, and Erin were subsequently contacted by the Nebraska Department of Health and Human Services and informed that they were part of the Nebraska Cyclospora outbreak linked to consumption of salads at Olive Garden.

Haren Lawsuit Filed in Ohio

Mr. Simon filed the first Ohio Cyclospora lawsuit in Lucas County on behalf of Justin Haren, a 35-year old resident of Toledo. According to the lawsuit, Mr. Haren consumed salad he had purchased at an Olive Garden on May 28, 2013. Shortly thereafter, he started to experience nausea, diarrhea, stomach cramping, bloating, loss of appetite, and fever. He initially attempted to ride out the illness, but when his symptoms did not improve, he presented to an Urgent Care facility in Maumee, Ohio on June 23, 2013. He was diagnosed with gastroenteritis. He received follow up treatment at Springforest Family Physicians the next day, where additional testing was performed. Test results would later show that Mr. Haren had tested positive for the Cyclospora parasite. In July, still suffering the effects of Cyclospora poisoning and having lost 20 pounds, he presented to Wellstar Paulding Hospital and received additional treatment.

Mr. Haren subsequently received a call from Ohio State Health department informing him that he was part of a nationwide Cyclospora outbreak.

Ron Simon Representing Cyclospora Victims Across the United States

Ron Simon's services have been sought by hundreds of Cyclospora victims linked to this outbreak. His clients are among the 610 confirmed victims in 22 states who have been recently sickened with Cyclospora according to the CDC. <http://www.cdc.gov/parasites/cyclosporiasis/outbreaks/investigation-2013...>

According to the CDC website, Cyclospora is a parasite that is commonly spread by ingestion of food or water contaminated with feces. http://www.cdc.gov/parasites/cyclosporiasis/gen_info/faqs.html

Mr. Simon issued the following statement this morning: “These Cyclospora lawsuits will ensure that our clients are fairly compensated for the trauma they have endured, and will also shed light on cracks in the food safety system that allowed this to happen. Feces should never be found in food, and we will keep fighting until all food imported to the United States is clean and safe for consumption.

About Ron Simon

Over the last 20 years, Ron Simon has prosecuted thousands of food poisoning cases for victims across the United States. His work has resulted in numerous upgrades to food safety procedures in Fortune 500 companies and in legislation designed to protect consumers from dangerous food-borne pathogens.

Mr. Simon and his clients have been featured on NBC, ABC, CBS, CNN, FOX and virtually all other major television networks and print media. Mr. Simon has collected over \$600,000,000 for his clients and regularly publishes articles about food safety and litigation at www.myfoodpoisoninglawyer.com, which are read by viewers in over 180 countries. He frequently serves as an invited speaker at food-borne illness conferences across the United States.

Through litigation, media commentary, and his food poisoning publications, Mr. Simon relentlessly challenges food companies to do a better job in making our food safe.

For media inquiries or more information on this outbreak and ongoing litigation, please contact Ron Simon directly at (713) 819-8116 or ron@simonluke.com or Tony Coveny at 713-306-3880 or Tony@simonluke.com