



PRESS RELEASE - Ron Simon & Associates Files Caramel Apple Listeria Lawsuit Against Bidart Brothers, Happy Apple Company, and Wal-Mart

Date | January 14, 2015

Caramel Apple Listeria Lawsuit Filed by Ron Simon & Associates

Today the national food safety law firm of Ron Simon & Associates, along with Gomez Trial Attorneys, filed a lawsuit stemming from a multi-state listeria outbreak linked to consumption of contaminated caramel apples.

The lawsuit was filed in the Superior Court of Sacramento County, California on behalf of Darlene Vouri and her husband Francis Vouri against apple supplier Bidart Brothers Apple Packing Co. of Shafter, California, caramel apple manufacturer Happy Apple Company, Inc. of Union, Missouri, and national retailer Wal-Mart.

The Vouris purchased the caramel apples on October 14, 2014 from the Wal-Mart located at 5454 Crossings Drive in Rocklin, CA. Darlene consumed them shortly thereafter.

Within a few days, she began to experience a headache, neck pain, fatigue, chills, and muscle aches and weakness. She presented to her physician on a number of occasions over the next two weeks as her condition deteriorated.

But on November 8th, Darlene collapsed and was rushed to Sutter Auburn Faith Hospital. On November 9th, after a second collapse, the attending physicians admitted her and ran a battery of tests while treating her symptoms. Her physicians began to suspect aseptic meningitis and ordered a spinal tap which revealed spinal meningitis of bacterial etiology. Testing revealed the bacterium *Listeria monocytogenes*, compelling her doctors to place her in an isolation room for quarantine. Infectious disease was consulted. Doctors placed Darlene on an aggressive regimen of antibiotics and monitored her around the clock.

At the end of a lengthy quarantine period, hospital staff transferred Darlene to Kindred Transitional Care and Rehabilitation, where she continued to receive around-the-clock medical treatment.

Finally, on December 10th, after a month of hospitalization and treatment, she returned home. Since that time, she has continued to receive in-home nursing. She is unable to ambulate without significant assistance or to perform regular daily tasks.

On January 10, 2015, Darlene collapsed for a third time. She remains in guarded condition.

Darlene Vouri is one of at least 32 victims in 11 states who contracted *Listeria monocytogenes* after consuming caramel apples. The victims are located in Arizona, California, Minnesota, Missouri, Nevada, New Mexico, Nevada, North Carolina, Utah, Washington, and Wisconsin.

The Caramel Apple Listeria Outbreak

On December 18, 2014, the Minnesota Department of Health (MDH) was the first to report a cluster of *Listeria monocytogenes* illnesses, reporting that each of the victims had consumed prepackaged caramel apples from a local grocer. The very next day, the Centers for Disease Control and Prevention (CDC) reported that

commercially produced and prepackaged caramel apples were the likely source of a *Listeria monocytogenes* outbreak.

In the ensuing weeks, at least 32 victims would be identified in 11 states. The investigation, led by the CDC and FDA, traced the illnesses to caramel apples, including those sold by Happy Apple Company, which shared only one common supplier - Bidart Brothers - with the other caramel apple vendors affected by the outbreak.

Bidart Brothers was contacted by the FDA on December 22, 2014. The next day, the FDA and the California Department of Public Health (CDPH) conducted a joint inspection of Bidart Brothers' apple packing facilities, taking environmental samples and swabbing surfaces likely to come into contact with apples. Bidart Brothers, and a number of its customers including Happy Apple Company, issued a recall on certain apples stating that the caramel apples had "the potential to be contaminated with *Listeria monocytogenes*."

The results of testing from the Bidart Brothers' facilities revealed numerous positive findings of *Listeria monocytogenes* that matched the outbreak strain found in the victims. The FDA shared these laboratory results with Bidart Brothers on January 5, 2015.

On January 6, 2015, Bidart Brothers expanded its recall to include all Granny Smith and Gala apples shipped from the company's Shafter, California packing facility in 2014.

Food Safety Lawyer Ron Simon Issues Statement for the Victims

Ron Simon, counsel for the Vouri family and other victims in this listeria outbreak, issued the following statement today: "This outbreak has devastated so many families. Francis and Darlene are struggling as her condition remains day-to-day. Several victims have died. We will determine exactly how the outbreak occurred and will force those responsible to fairly compensate the victims and take all steps necessary to make sure this never happens again."