

FREDERIC L. GORDON ATTORNEY AT LAW

Frederic L. Gordon, Esq. (SBN 98994)

23521 Estrella Place

Valencia, CA 91355

Phone: (619) 572-2210

FGordonAPC@gmail.com

MARLER CLARK, LLP, PS

William D. Marler, Esq.,

(*pro hac vice* application forthcoming)

The Standard Building

1012 1st Avenue, Fifth Floor

Seattle, Washington 98104

Phone: (206) 346-1888

bmarler@marlerclark.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MICHELLE WERNLI and EVAN

ALDRICH, on behalf of their minor son,

L. A.,

Plaintiffs,

v.

EURO FOODS, INC., a Pennsylvania

corporation, d/b/a CITTERIO USA;

Defendant.

Case No.: 2:21-cv-9420

**PLAINTIFFS' COMPLAINT FOR
DAMAGES FOR:**

1st Cause of Action: Strict Liability

2nd Cause of Action: Breach of

Warranty

3rd Cause of Action: Negligence

4th Cause of Action: Negligence *Per Se*

(DEMAND FOR JURY TRIAL)

Plaintiffs Michelle Wernli and Evan Aldrich, on behalf of their minor son, L. A., by and through their attorneys, Frederic L. Gordon and William D. Marler of Marler Clark LLP, PS (*pro hac vice* application forthcoming), allege upon information and belief as follows:

PARTIES

1. The plaintiffs, Michelle Wernli and Evan Aldrich, are the parents and legal guardians of their son, plaintiff L. A., who is under 18 years of age and thus a minor (collectively “Plaintiffs”). The Plaintiffs are residents and citizens of Moorpark, Ventura County, California.

2. The defendant, Euro Foods, Inc., d/b/a Citterio USA (hereinafter “Citterio” or “Defendant”), is a domestic for-profit corporation organized and existing under the laws of the Pennsylvania, with its principal place of business located at 2008 State Route 940 Freeland, Pennsylvania 18224. Citterio is a citizen of the State of Pennsylvania. At all times relevant hereto, Defendant operated Citterio USA and directly distributed its products to stores in the State of California. Further, at all times relevant, in order to facilitate selling its products in the State of California, Defendant maintained such minimum contacts with the State of California as to subject itself to laws and protections of California. Citterio was the manufacturer, supplier, packager, distributor, and/or seller of the adulterated food product that is the subject of this action.

PLAINTIFFS' COMPLAINT

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332(a)(2) because the matter in controversy exceeds \$75,000.00, exclusive of costs, and it is between a foreign Defendant that is a citizen of the State of Pennsylvania, and Plaintiffs who are citizens of the State of California. At all times relevant to this action, Defendant maintained such minimum contacts with the State of California that this Court's assertion of jurisdiction over the Defendant would not violate traditional notions of fair play and substantial justice.

4. Venue in the United States District Court for the Central District of California is proper pursuant to 28 U.S.C. § 1391(a)(2) because a substantial part of the events or omissions giving rise to Plaintiffs' claims and causes of action occurred in this judicial district, and because the Defendant was subject to personal jurisdiction in this judicial district at the time of the commencement of the action.

GENERAL ALLEGATIONS

The *Salmonella* Bacteria

5. *Salmonella* is the second most common intestinal infection in the United States. More than 7,000 cases of *Salmonella* were confirmed in 2009; however, most cases go unreported. The Centers for Disease Control and Prevention (CDC) estimates that over 1 million people in the U.S. contract *Salmonella* each

PLAINTIFFS' COMPLAINT

year, and that an average of 20,000 hospitalizations and almost 400 deaths occur from *Salmonella* poisoning, according to a 2011 report.

6. *Salmonella* infections usually occur when a person eats food contaminated with the feces of animals or humans carrying the bacteria. *Salmonella* outbreaks are commonly associated with eggs, meat, and poultry, but these bacteria can also contaminate other foods, such as fruits and vegetables. Foods that are most likely to contain *Salmonella* include raw or undercooked eggs, raw milk, contaminated water, and raw or undercooked meats.

7. Symptoms of *Salmonella* infection, or salmonellosis, range widely and are sometimes absent altogether. The most common symptoms include diarrhea, abdominal cramps, and fever.

8. Typical symptoms of *Salmonella* infection appear 6 to 72 hours after eating contaminated food, last for 3 to 7 days without treatment, and usually consist of:

- Diarrhea
- Abdominal cramps
- Fever of 100°F to 102°F
- Bloody diarrhea
- Vomiting
- Headache

PLAINTIFFS' COMPLAINT

- Body aches

9. Complications of *Salmonella* poisoning are more likely to occur among young children and people of age 65 or older. Possible complications like reactive arthritis are thought to occur in 2 to 15 percent of *Salmonella* patients. Symptoms include inflammation of the joints, eyes, or reproductive or urinary organs. On average, symptoms appear 18 days after infection. Irritable bowel syndrome (IBS) can also be a long-term complication.

10. *Salmonella* infections generally last 3 to 7 days, and often do not require treatment. People with severe dehydration may need rehydration through an IV. Antibiotics are recommended for those at risk of invasive disease, including infants under three months old. *Salmonella* is treated with a 14-day course of antibiotics. Unfortunately, treatment of *Salmonella* has become more difficult as the pathogen has become more resistant to antibiotics. Finding the right antibiotic for a case of *Salmonella* is crucial to treating this bacterial infection.

An Outbreak of *Salmonella* Linked to Salami Sticks

11. Illnesses started on dates ranging from September 18, 2021, to October 18, 2021. Ill people ranged in age from 1 to 75 years, with a median age of 7. Sixty-one percent of ill people were female. Of 24 people with information available, 6 (25%) were hospitalized. No deaths were reported.

DECLINING TO COMMENT

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.