

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

_____)	DOCKET NO.:
RITA MASTERS and ROBERT MASTERS))	
Plaintiffs))	
))	
Vs.))	
))	
CRACKER BARREL OLD COUNTRY))	
STORE, INC. and))	
ROSE ACRE FARMS, INC.,))	
Defendants))	
_____)	

COMPLAINT AND DEMAND FOR JURY TRIAL

PARTIES

1. Plaintiffs, Rita Masters (“Plaintiff, Ms. Masters”) is a natural person who has a principal place of residence at 396 North Billerica Road, Tewksbury, Massachusetts.
2. Plaintiff, Robert Masters (“Plaintiff Mr. Masters”) is a natural person and the spouse of “Plaintiff Ms. Masters” and has a principal place of residence at 396 North Billerica Road, Tewksbury, Massachusetts.
3. Defendant, Cracker Barrel Old Country Store, Inc. (“Defendant Cracker Barrel”) is a corporation incorporated under the laws of the State of Tennessee with a principal place of business located at 1 Hartman Drive, Lebanon, Tennessee.
4. Defendant, Rose Acre Farms, Inc. (Defendant Rose Acre”) is a corporation incorporated under the laws of the State of Indiana with a principal place of business located at 1657 W. Tipton Street, Seymour, Indiana.

JURISDICTION AND VENUE

5. Plaintiffs reallege and reaver the allegations contained in paragraphs 1 through 4 above and specifically incorporate them herein.
6. Jurisdiction is based upon diversity of citizenship of the parties and the amount in controversy exceeds, exclusive of interest and costs, the sum specified in 28 U.S.C., § 1332, and because there is complete diversity of citizenship between Plaintiffs and Defendants.

FACTS

7. Plaintiffs reallege and reaver the allegations contained in paragraphs 1 through 6 above and specifically incorporate them herein.
8. Defendant, Cracker Barrel is a restaurant chain that owns all of its restaurant locations including Store #81 located in Roanoke Rapids, North Carolina.
9. Defendant, Rose Acre, upon information and belief, at all relevant times was the second largest egg producer in the United States with 17 egg production centers in 8 states, including its Hyde County facility in North Carolina.
10. Defendant, Rose Acre, upon information and belief sells and distributes its eggs in interstate commerce to large grocery stores and restaurant chains, including Defendant, Cracker Barrel.

Salmonella

11. *Salmonella* is an enteric bacterium, which means that it lives in the intestinal tracts of human and other warm-blooded animals.
12. *Salmonella* bacteria are usually transmitted to humans who consume foods contaminated with feces. Such foods usually look and smell normal, meaning that a consumer has no warning of the fact of contamination.

13. After being ingested, *Salmonella* bacteria travel to the lumen of the small intestines then penetrate the epithelium, multiply, and enter the blood. This infection process - also referred to as the incubation period - usually takes 6 to 72 hours for the onset of symptoms.
14. The acute symptoms of *Salmonella* gastroenteritis (or *Salmonellosis*) include nausea, vomiting, diarrhea, fever, abdominal cramping and/or stomach pain, dysuria, muscle pain, fatigue and dehydration.
15. When severe infection occurs, hospitalization is required and *Salmonella* may spread from the intestines to the bloodstream and then to other body sites.
16. *Salmonella* can be found in a variety of foods. In recent years, fecal contamination has led to large-scale *Salmonella* outbreaks linked to chicken/eggs. Those outbreaks include poultry from Foster Farms, Tyson Foods and Rose Acre Farms, Inc.
17. From March 26, 2018 to April 11, 2018, the FDA conducted a thorough inspection of Defendant, Rose Acre's Hyde County Farm and collected samples for testing and determined said facility to be the likely source of a multi-state *Salmonella* outbreak.
18. During said inspections, the FDA found Defendant, Rose Acre in violation of FDA's egg safety rule, 2.CFR116, in violation of 402(a)(4) of the FD&C Act, 21 USC, Sec. 342(a)(4) "in that they have been prepared, packed, or held under insanitary conditions whereby they may have become contaminated with filth, or whereby they may have been rendered injurious to health".
19. On or about April 11, 2018, FDA inspector's observations and deviations were submitted in writing (FDA-482) to Defendant, Rose Acre's Complex Manager.

20. On or about April 13, 2018 (the same day Plaintiff, Ms. Masters, consumed eggs at Defendant, Cracker Barrel), Defendant, Rose Acre voluntarily recalled eggs produced at its Hyde County Facility.
21. Upon information and belief, Defendant, Rose Acre distributed eggs to Defendant, Cracker Barrel via a third party distributor on a weekly basis.
22. On April 13, 2018, while in route to Myrtle Beach, South Carolina, Plaintiffs stopped for supper at Defendant, Cracker Barrel's Store #81 in Roanoke Rapids, North Carolina.
23. Plaintiff, Ms. Masters, ordered an egg breakfast known as "Sunrise Sampler". She also ordered unsweetened ice tea. Plaintiff, Mr. Masters, ordered a "Fish Fry" and unsweetened ice tea.
24. Prior to April 13, 2018, Plaintiff, Ms. Masters', health was normal for a 73 year old woman.
25. On or about April 14, 2018, at around 3-4 pm, Plaintiff, Ms. Masters began to feel poor, her stomach felt "in a knot".
26. Ms. Masters' condition worsened with diarrhea starting in the early hours of April 15 and continued for approximately 3-4 days (April 18 - April 19, 2018). During this period of time, the Masters called Ms. Masters' Primary Care Doctor's Office (Dr. Drake) a couple of times (the first time being on April 15, 2018) regarding how to deal with Ms. Master's diarrhea.
27. Plaintiffs returned to Massachusetts on April 22, 2018.
28. By letter dated April 24, 2018, "Plaintiff, Mr. Masters" notified "Defendant, Cracker Barrel" of "Plaintiff, Ms. Masters' food poisoning.
29. Monday, April 30, Plaintiff, Ms. Masters' blood pressure started swinging between extremely high and low and she started to get "tingling" in her fingertips. The swings in

blood pressure and the finger tingling continued into the next day. In addition, Ms. Masters began to notice weakness in her calve muscles.

30. As a result of her worsening condition, Ms. Masters was taken to the Lowell General Hospital ER that afternoon (May 1, 2018). Ms. Masters was admitted into the hospital and underwent a series of tests including CT Scan of her head; MRI with and without spine images and a lumbar puncture. The lumbar puncture showed evidence of protein.
31. Plaintiff, Ms. Masters' condition worsened and she was admitted into ICU and intubated on May 3, 2018 wherein she was diagnosed with Guillain Barre Syndrome ("GBS"). GBS is an immune mediated neuropathy. Plaintiff, Ms. Masters then began her first Intravenous Immune Globulin ("IVIG") treatment; a treatment that she continues today.
32. Plaintiff, Ms. Masters remained in ICU for seven (7) days until she transferred to the Intermediary Coronary Care Unit ("ICC") on May 10, 2018. During these seven (7) days, Ms. Masters continued have numbness in her fingers and now in her feet. She underwent six (6) IVIG infusion treatments and received respiratory and other physical therapy.
33. On May 15, 2018, Plaintiff, Ms. Masters, was transferred by ambulance to New England Rehabilitation Hospital for in-patient acute rehabilitation services.
34. On May 18, 2018, Plaintiff, Ms. Masters was diagnosed with "C diff" which severely limited her rehabilitation.
35. While at New England Rehabilitation Hospital, Plaintiff, Ms. Masters, received multiple IVIG infusion treatments, each lasting approximately 4-4 ½ hours.
36. On June 12, 2018, Plaintiff, Ms. Masters was discharged from New England Rehabilitation Hospital and taken by ambulance to Lahey Hospital and admitted for neurology services.

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