

David F. Sugerman, OSB No. 862984
SUGERMAN LAW OFFICE
707 SW Washington, Suite 600
Portland, OR 97205
Telephone: (503) 228-6474
Email: david@sugermanlawoffice.com
SugermanLawOffice.com
(Additional counsel below signature)

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

LORI DAVIES,)	
Plaintiff,)	
)	
v.)	Case No.
)	
THOMSON INTERNATIONAL, INC.,)	<u>COMPLAINT</u>
Defendant.)	JURY TRIAL DEMANDED
)	

Plaintiff LORI DAVIES, by and through her attorneys of record, The Lange Law Firm, PLLC and David F. Sugerman, Attorney PC, and alleges as follows:

I. PARTIES

1. At all times relevant hereto, Plaintiff was a resident of Washington County, Oregon.
2. Thomson International, Inc. ("Thomson International") is a corporation organized and existing under the laws of the State of California with its principal place of business in California. At all times relevant hereto and upon information and belief, Thomson International is a manufacturer, distributor and seller of agricultural products in the United States, including

onions. Thomson International distributes its food products, including onions, to retail locations in all fifty U.S. states, including Oregon. Upon information and belief, Thomson International's principal place of business is located at 9852 Buena Vista Blvd., Bakersfield, California 93307.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 USC § 1332(a) because the matter in controversy exceeds \$75,000.00, exclusive of costs, it is between citizens of different states, and because Defendant has certain minimum contacts with the State of Oregon such that the maintenance of the suit in this district does not offend traditional notions of fair play and substantial justice.

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

III. FACTS

A. The 2020 Salmonella Outbreak Caused by Onions Manufactured and/or Distributed by Thomson International, Inc.

5. On July 21, 2020, the Centers for Disease Control and Prevention (CDC) announced that CDC PulseNet identified an outbreak of 13 Salmonella Newport infections in three states. Since being identified, the outbreak has rapidly grown to a total of 396 infections in 34 states.

6. The breakdown per state as of July 31, 2020 includes: Arkansas (6), Arizona (14), California (49), Colorado (10), Florida (3), Idaho (5), Illinois (10), Indiana (2), Iowa (15), Kansas (1), Kentucky (1), Maine (4), Maryland (1), Michigan (23), Minnesota (10), Missouri (6), Montana (33), Nebraska (5), Nevada (5), New York (4), North Carolina (3), North Dakota (5), Ohio (7),

Oregon (71), Pennsylvania (2), South Carolina (1), South Dakota (11), Tennessee (5), Texas (1), Utah (61), Virginia (4), Washington (2), Wisconsin (5), and Wyoming (11).

7. As of the date of this Complaint, of the 236 ill people with information available, 59 hospitalizations have been reported. No deaths have been reported.

8. Illnesses started on dates ranging from June 19, 2020, to July 12, 2020.

9. Ill people range in age from less than 1 to 102 years, with a median age of 39. Fifty-two percent of ill people are female. Some illnesses might not yet be reported due to the time it takes between when a person becomes ill and when the illness is reported. This takes an average of 2 to 4 weeks.

10. In its July 31, 2020 announcement, the CDC stated that Epidemiologic and preliminary traceback evidence indicates that red onions are the likely source of this outbreak. The traceback information collected identified Thomson International, Inc. of Bakersfield, CA as a likely source of red onions in this outbreak.

11. On the same day as the CDC announcement, Thomson International issued a recall of all varieties of onions that could have come in contact with potentially contaminated red onions, due to the risk of cross-contamination. This recall included red, white, yellow, and sweet onions from Thomson International, Inc.

12. The FDA's investigation is ongoing to determine if products went to additional stores or states.

13. The FDA is currently working with state partners to trace back the onions to identify the source of the pathogen, to determine the full distribution of the onions, and to learn more about how the contamination occurred.

B. Salmonella

14. The term *Salmonella* refers to a group or family of bacteria that cause illness in humans. *Salmonella* lives in the intestinal tracts of humans and other animals, including poultry. But the type of *Salmonella* that may not make poultry sick can make humans very ill.

15. Currently, the Centers for Disease Control and Prevention (CDC) recognize two species, which are divided into six subspecies. These subspecies are divided into over 50 serogroups based on somatic (O) antigens present.

16. The most common *Salmonella* serogroups are A, B, C, D, E, F, and G. Serogroups are further divided into over 2,500 serotypes. *Salmonella* serotypes are typically identified through a series of tests of antigenic formulas listed in a document called the Kauffmann-White Scheme published by the World Health Organization Collaborating Centre for Reference and Research on *Salmonella*.

17. *Salmonella* bacteria are typically transmitted to humans by food or water contaminated with feces. Such foods usually look and smell normal. Nothing about the products look, taste, or smell would warn a consumer that it was contaminated with *Salmonella* bacteria.

18. After exposure, *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. According to the CDC, as little as one cell of *Salmonella* bacteria can cause infection.

19. The acute symptoms of *Salmonella* gastroenteritis (or Salmonellosis) include nausea, vomiting, diarrhea, fever, abdominal cramping and/or stomach pain, headache, dysuria, muscle pain, fatigue, and dehydration.

20. Doctors typically treat the symptoms of Salmonellosis with anti-nausea or anti-diarrhea medications. Some physicians may prescribe antibiotics. Many severe cases may require

intravenous fluids for treatment of dehydration, usually in an emergency room or urgent-care setting.

21. *Salmonella* infections may also cause long-term side-effects, such as Reactive Arthritis (RA), Septicemia, Bacteremia, chronic gallbladder infection, and Irritable Bowel Syndrome (IBS) can develop, requiring extensive ongoing medical treatment and care. The elderly, infants, and those with compromised immune systems are more likely to experience severe illness and long-term complications from exposure to *Salmonella* bacteria. *Salmonella* infections can be fatal.

C. Lori Davies *Salmonella* Infection Following Her Exposure to *Salmonella*-Contaminated Onions Manufactured and/or Distributed by Thomson International, Inc.

22. On or about July 5, 2020, Lori ate a burger that contained cut raw onions.

23. On or about July 7, 2020, Lori fell ill with fever and chills. Then, severe diarrhea began. Lori then went to the emergency room, where she was admitted into the hospital.

24. Lori was hospitalized with a *Salmonella* infection from July 10-12.

25. On or about July 27, Oregon Health Authority informed Lori that her *Salmonella* infection shared the same genetic fingerprint as the outbreak strain.

26. Lori continues to recover and face uncertain future medical complications.

IV. CAUSES OF ACTION

FIRST CLAIM FOR RELIEF
PRODUCT LIABILITY-STRICT LIABILITY

27. Defendant manufactured, distributed, and/or sold the adulterated food product that injured Plaintiff. The product was dangerously defective in that it was contaminated with *Salmonella* bacteria.



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