

and :

TAYLOR FARMS NEW JERSEY, INC. :

406-A Heron Drive :

Swedesboro, NJ 08085 :

Serve: Corporation Service Company :

Princeton South Corporate Center, Suite 160 :

100 Charles Ewing Boulevard :

Ewing, NJ 08628 :

Serve: CORPAMERICA, Inc. :

251 Little Falls Drive :

Wilmington, DE 19808 :

Defendants. :

COMPLAINT FOR DAMAGES

Plaintiff, Kevin Bonanno, by and through undersigned counsel, hereby files this Complaint against Defendants Walmart Inc. (“Walmart”), Wal-Mart Stores East, LP (“Wal-Mart Stores”), Taylor Farms Retail, Inc. (“Taylor Farms”), and Taylor Farms New Jersey, Inc. (“Taylor Farms NJ”), and states as follows:

NATURE OF ACTION

1. This is an action against Defendants Walmart, Wal-Mart Stores, Taylor Farms, and Taylor Farms NJ for injuries arising from the wrongful manufacture, distribution, and sale of salad products that were contaminated by *E. coli* O157:H7. Plaintiff consumed the defective salad products, which caused him to suffer the significant injuries described below.

PARTIES

2. Plaintiff Kevin Bonanno is a citizen of the Commonwealth of Virginia.

3. Defendant Walmart is an Arkansas corporation, with its principal place of business in Bentonville, Arkansas. Walmart is therefore a citizen of the state of Arkansas.

4. At all times relevant to this action, Walmart was engaged in the distribution and sale of a variety of products, including the “Marketside Chicken Caesar Salad Bowls” that caused Plaintiffs’ injuries described below, to customers across the country, including in the Commonwealth of Virginia—a jurisdiction in which Walmart has substantial contacts.

5. At all times relevant to this action, Walmart owned, operated, and managed a store located at 2350 S. Pleasant Valley Road, in Winchester, Virginia 22601 (the “Walmart Store”), where defective salad products were sold to Plaintiff, who purchased and consumed them.

6. Defendant Wal-Mart Stores is an Arkansas corporation, with its principal place of business in Bentonville, Arkansas. Wal-Mart Store is therefore a citizen of the state of Arkansas.

7. At all times relevant to this action, Wal-Mart Stores was engaged in the distribution and sale of a variety of products, including the “Marketside Chicken Caesar Salad Bowls” that caused Plaintiff’s injuries described below, to customers across the country, including on the Commonwealth of Virginia—a jurisdiction in which Wal-Mart Stores has substantial contacts.

8. At all times relevant to this action, Wal-Mart Stores owned, operated, and managed a store located at 2350 S. Pleasant Valley Road, in Winchester, Virginia 22601 (the “Walmart Store”), where defective salad products were sold to Plaintiff, who purchased and consumed them.

9. Defendant Taylor Farms is a California Corporation with its principal place of business in California. It is therefore a citizen of the state of California. Defendant Taylor Farms grew, procured, distributed, and sold fresh vegetable products, including the subject salad products, to Defendants Walmart and/or Wal-Mart Stores, which Plaintiff purchased at the Walmart Store and later consumed. Defendant Taylor Farms has substantial contacts in the Commonwealth of Virginia.

10. Defendant Taylor Farms NJ is a Delaware corporation with its principal place of business in New Jersey. It is therefore a citizen of the state of New Jersey. Defendant Taylor Farms NJ grew, procured, and processed fresh vegetables into salad products, including the subject salad products, which Taylor Farms then distributed and sold to the Defendant Walmart and/or Defendant Wal-Mart Stores, where it was ultimately sold to Plaintiff, who purchased and consumed the defective products. Taylor Farms NJ has substantial contacts in the Commonwealth of Virginia.

JURISDICTION AND VENUE

11. The jurisdiction of this Court is proper pursuant to 28 U.S.C. § 1332(a) since the matter in controversy exceeds, exclusive of interests and costs, the sum of Seventy-Five Thousand Dollars (\$75,000.00) and there is diversity of citizenship between Plaintiff

and Defendants.

12. Venue is proper in this judicial district as the facts giving rise to Plaintiff's Complaint arose in this judicial district and Defendants' acts and omissions occurred in this judicial district.

13. Furthermore, Defendants (1) transact business in Virginia; (2) contract to supply things, including the salad product at issue, in Virginia; (3) caused tortious injury to Plaintiff by an act or omission in Virginia; (4) caused tortious injury in Virginia by an act or omission outside of Virginia and regularly do or solicit business and derive substantial revenue from goods used or consumed in Virginia; and (5) caused injury in this Commonwealth by breach of warranty expressly or impliedly made in the sale of goods inside Virginia under circumstances in which they might reasonably have expected the Plaintiff to consume or be affected by the goods in Virginia, and (6) regularly do or solicit business and engage in other persistent conduct and/or derive substantial revenue from goods used or consumed in Virginia.

FACTS

14. The allegations in Paragraphs 1 through 13 above are incorporated by reference as if fully set forth herein.

The Outbreak of *E. coli* O157:H7 Linked to Romaine Lettuce

15. In November through December 2019, the Centers for Disease Control and Prevention (CDC), the U.S. Food and Drug Administration (FDA), and public health officials from several states investigated a multistate outbreak of *E. coli* O157:H7

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