

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT
COOK COUNTY, ILLINOIS**

SABRINA SLAUGHTER,)
)
 Plaintiff)
)
 vs.)
)
 EL GRAN BURRITO, INC.)
 d/b/a El Gran Burrito Express,)
 1207 South Pulaski Road, Chicago,)
 Cook County, Illinois 60623)
)
 Defendant.)
)

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COMPLAINT AT LAW

COMES NOW the plaintiff, SABRINA SLAUGHTER, by and through her attorneys, MARLER CLARK, LLP, PS and NEWLAND, NEWLAND, AND NEWLAND, complaining of the defendant, EL GRAN BURRITO, INC. d/b/a El Gran Burrito Express located at 1207 South Pulaski Road, Chicago, Cook County, Illinois, 60623 (hereafter "El Gran Burrito") and to allege and state as follows:

I.

PARTIES

- 1.1 The plaintiff, Sabrina Slaughter, resides in Chicago, Cook County, Illinois.
- 1.2 At all times material, the defendant El Gran Burrito, owned and operated the restaurant location at 1207 South Pulaski Road, Chicago, Cook County, Illinois, 60623. At all times material, the defendant carried on at that location in the ordinary course of its business the

manufacture, preparation, service, distribution, and sale of food, including made-to-order, ready-to-eat burritos, tacos, and sandwiches.

II.

RELEVANT FACTS

2.1 Salmonellosis is an acute bacterial infection that causes severe gastrointestinal illness. Some individuals with salmonellosis require hospitalization and suffer permanent injuries. Severe cases of illness can result in death.

2.2 On or about July 7, 2011, the plaintiff, Sabrina Slaughter, purchased three steak tacos at the defendant's El Gran Burrito restaurant on Roosevelt and Pulaski in Chicago. She consumed the tacos at home that day.

2.3 Ms. Slaughter fell ill on or about the following day, Friday, July 8, 2011. Symptoms began with abdominal cramping and pain. Later in the day, Ms. Slaughter began suffering bouts of diarrhea. That evening, she developed a fever, and began vomiting as well.

2.4 Over the ensuing weekend, Ms. Slaughter's symptoms became worse. She had begun to suffer repeated bouts of violent, watery diarrhea, and was unable to hold anything down, whether food or liquid.

2.5 By Monday, July 11, with her condition continuing to worsen, Ms. Slaughter's daughter drove her to St. Anthony Hospital on West 19th Street in Chicago. At the emergency department, Ms. Slaughter's examining physician noted continuous abdominal pain, nausea, diarrhea, and vomiting. Ms. Slaughter was dehydrated, and intravenous fluids were administered as a result. Ms. Slaughter also gave a blood sample for laboratory testing.

2.6 Blood test results showed that Ms. Slaughter's dehydration had caused her kidneys to fail, as evidenced by high levels of waste products in her circulating blood stream. As

a result, Ms. Slaughter was admitted to the hospital and placed under the care of Nikhil Siony, MD. At this point, Ms. Slaughter was confused and frightened at how ill she had become.

2.7 The blood samples taken from Ms. Slaughter on the day of her admission to the hospital also ultimately tested positive for *Salmonella* Newport bacteria. This showed that she had developed blood poisoning, or sepsis, and also confirmed that the source of Ms. Slaughter's *Salmonella* infection was the food she had eaten on or about July 7, 2011 from the defendant's El Gran Burrito location at 1207 South Pulaski Road in Chicago. Ms. Slaughter was started on intravenous antibiotics, including Levaquin and Rocephin, in an effort to combat her blood-poisoning.

2.8 Ms. Slaughter continued to receive intravenous fluids and antibiotics for the rest of her stay at St. Anthony's. Her kidney function was monitored daily by additional blood tests, and ultimately it returned to normal. Ms. Slaughter was finally discharged from St. Anthony's on or about July 14, 2011.

2.9 At discharge, Ms. Slaughter was given a prescription for additional antibiotics, and was instructed to follow-up with her primary physician. It was several weeks before Ms. Slaughter's health returned to normal.

2.10 Ms. Slaughter was one of more than 30 people who suffered confirmed *Salmonella* Newport infections after purchasing and consuming *Salmonella* Newport-contaminated food from the defendant's restaurant. Many more people, whose infections were not confirmed by stool or blood tests, fell ill in the outbreak as a result of consuming the defendant's contaminated food.

2.11 Public health officials from the City of Chicago and State of Illinois investigated the outbreak of *Salmonella* Newport infections at the defendant's restaurant and, in the process

of that investigation, identified at least one restaurant employee who tested positive for the outbreak strain of *Salmonella* Newport. As a result of this outbreak, the defendant's restaurant closed for business in order to sanitize and sterilize equipment and premises, at which point the outbreak stopped.

III. COUNT I

(STRICT PRODUCT LIABILITY)

3.1. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in its entirety.

3.2. The defendant manufactured, distributed, and sold the adulterated food that injured the plaintiff and caused her to become infected with *Salmonella*.

3.3. The defendant manufactures food and drink products for sale to the public.

3.4. Food and drink that is contaminated with *Salmonella* is unsafe when put to the use reasonably foreseeable considering the nature of the product. Namely, *Salmonella* contaminated food and drink is unfit for human consumption.

3.5. The food that the plaintiff purchased from the defendant was contaminated with *Salmonella*. The plaintiff's consumption of the contaminated food caused her to become infected with *Salmonella* and to suffer injuries as a direct and proximate result.

3.6. The food that the plaintiff purchased and consumed was contaminated with *Salmonella* when it left the defendant's control.

3.7. The defendant is strictly liable to the plaintiff for the harm proximately caused by its manufacture and sale of an unsafe and defective food product.

WHEREFORE, the plaintiff, **SABRINA SLAUGHTER**, prays for judgment against the defendant, **EL GRAN BURRITO**, in an amount in excess of the minimum amount allowed to

establish jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

IV. COUNT II
(NEGLIGENCE)

4.1. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in its entirety.

4.2. The defendant designed, manufactured, distributed, and sold food and drink products that were adulterated with the *Salmonella* bacteria, a potentially deadly pathogen. These products, as a result of adulteration, were unfit for human consumption, and were not reasonably safe as designed, constructed, manufactured, and sold.

4.3. The defendant owed a duty to all persons who were the eventual consumers of its product, as well as all persons foreseeably at risk of secondary transmission of disease, to manufacture and sell food and drink that was safe to eat, that was not adulterated with potentially deadly pathogens, like *Salmonella*, and that was not in violation of applicable food and safety regulations.

4.4. The defendant owed a duty to all persons who were the eventual consumers of its product, as well as all persons foreseeably at risk of secondary transmission of disease, to maintain its premises in a sanitary and safe condition so that no one eating food produced at the defendant's premises would be exposed to, or infected by, a potentially deadly pathogen, like *Salmonella*.

4.5. The defendant breached the duties it owed to persons who were the eventual consumers of its product, as well as all persons foreseeably at risk of secondary transmission of disease, by committing the following acts and omissions of negligence:

4.5.1 Failed to adequately maintain or monitor the sanitary conditions of its

food, drink, water, premises, and employees;

4.5.2 Failed to properly operate the locations where it manufactured its food in a safe, clean, and sanitary manner;

4.5.3 Failed to prevent the transmission of *Salmonella* from its food, drink, water, premises, or employees to the ultimate consumers of its products, and those foreseeably at risk of secondary transmission of disease;

4.5.4 Failed to properly train its employees and agents how to prevent the transmission of *Salmonella* on its premises, or in its food, drink and water;

4.5.5 Failed to properly supervise its employees and agents to prevent the transmission of *Salmonella* on its premises, or in its food, drink and water;

4.5.6 Manufactured and sold adulterated food in violation of 410 ILCS 620/3.2;

4.5.7 Stored, offered, and delivered food in violation of 410 ILCS 620/3.1 and 410 ILCS 620/3.4;

4.5.8 Failed to maintain its premises in a clean, sanitary, and healthful manner in violation of 410 ILCS 650/1 and 410 ILCS 650/2; and

4.5.9 Failed to properly and carefully select and monitor the entities from which it purchased and received raw materials used in the production of the its products.

4.6. The plaintiff was injured and sustained personal injury and damages as the proximate result of the defendant's negligent acts and omissions, as set forth above.

WHEREFORE, the plaintiff, **SABRINA SLAUGHTER**, prays for judgment against the defendant, **EL GRAN BURRITO**, in an amount in excess of the minimum amount allowed to establish jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

V. COUNT III

(BREACH OF WARRANTY)

5.1. The plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each and every of these paragraphs were set forth here in its entirety.

5.2. By offering food for sale to the general public, the defendant expressly warranted that such food was safe to eat, that it was not adulterated with a deadly pathogen, and that the food had been safely prepared under sanitary conditions.

5.3. By offering food for sale to the general public, the defendant also impliedly warranted that such food was safe to eat, that it was not adulterated with a deadly pathogen, and that the food had been safely prepared under sanitary conditions.

5.4. The defendant breached its express and implied warranties with regard to the food it manufactured and that was ultimately consumed by the plaintiff.

5.5. The plaintiff suffered personal injury and damages as a foreseeable consequence of the defendant's breach of warranties, as set forth above, and is thus entitled to recover for all actual, consequential, and incidental damages that flow directly and in a foreseeable fashion from these breaches.

WHEREFORE, the plaintiff, **SABRINA SLAUGHTER**, prays for judgment against the defendant, **EL GRAN BURRITO**, in an amount in excess of the minimum amount allowed to establish jurisdiction in the Law Division of the Circuit Court of Cook County, Illinois.

Respectfully submitted,

SABRINA SLAUGHTER,

By: _____


One of Her Attorneys

Gary A. Newland
NEWLAND, NEWLAND & NEWLAND
121 S. Wilke Road, Ste. 101
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Seattle, WA 98101
Tel: 206-346-1888
Fax: 206-346-1898

IN THE CIRCUIT COURT OF DUPAGE COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

SABRINA SLAUGHTER)
)
Plaintiff,)
v.) No.:
)
EL GRAN BURRITO, INC. d/b/a/)
El Gran Burrito Express,)
1207 S. Pulaski Road, Chicago,)
Cook County, IL 60623,)
)
Defendants.)

RULE 222 AFFIDAVIT

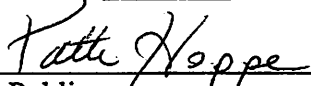
I, Gary A. Newland, being first duly sworn on oath depose and state as follows:

1. That I am an agent for the plaintiff in the above captioned matter;
2. That the total of money damages sought will exceed \$100,000.00.

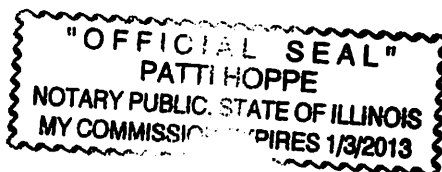


Gary A. Newland

Subscribed and sworn to
before me this 16 day of Dec, 2011.



Notary Public



Gary A. Newland
NEWLAND & NEWLAND LLP
121 S. Wilke Road, Ste. 301
Arlington Hts, IL 60005
Ph: 847-797-8001
Fax: 847-797-9090

2120 - Served
2220 - Not Served
2320 - Served By Mail
2420 - Served By Publication
SUMMONS

2121 - Served
2221 - Not Served
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IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, _____ LAW _____ DIVISION

SABRINA SLAUGHTER

(Name all parties)

v.

EL GRAN BURRITO INC., d/b/a El Gran Burrito Express

No. _____

Registered Agent: Delores Castro

1655 N. Normandy

Chicago, IL 60607

SUMMONS ALIAS SUMMONS

To each Defendant:

EL GRAN BURRITO, INC.

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

- Richard J. Daley Center, 50 W. Washington, Room _____, Chicago, Illinois 60602
- | | | |
|---|--|--|
| <input type="radio"/> District 2 - Skokie
5600 Old Orchard Rd.
Skokie, IL 60077 | <input type="radio"/> District 3 - Rolling Meadows
2121 Euclid
Rolling Meadows, IL 60008 | <input type="radio"/> District 4 - Maywood
1500 Maybrook Ave.
Maywood, IL 60153 |
| <input type="radio"/> District 5 - Bridgeview
10220 S. 76th Ave.
Bridgeview, IL 60455 | <input type="radio"/> District 6 - Markham
16501 S. Kedzie Pkwy.
Markham, IL 60428 | <input type="radio"/> Child Support
28 North Clark St., Room 200
Chicago, Illinois 60602 |

You must file within 30 days after service of this Summons, not counting the day of service.

IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 48717
Name: Gary A. Newland
Atty. for: Plaintiff
Address: 121 S. Wilke Road, Ste. 301
City/State/Zip: Arlington Heights, IL 60005
Telephone: 847-797-8000

WITNESS, _____

DOROTHY BROWN DEC 19 2011

Clerk of Court

Date of service: _____,
(To be inserted by officer on copy left with defendant or other person)

Service by Facsimile Transmission will be accepted at: _____
(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS