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Attorneys for Plaintiffs, Christina Stranaghan and Lenny Weaver, h/w

CHRISTINA STRANAGHAN and LENNY
WEAVER, h/w,

Plaintiffs,

v.

HAKAN, INC., (A New Jersey Corporation)
d/b/a Golden Palace Diner and Restaurant;

and

SYSCO PHILADELPHIA, LLC, a foreign
limited liability company;

and

JOHN DOE 1-100 (fictitious name(s) of the
individual(s) or entity(ies) responsible for
growing, processing, distributing or supplying
the subject romaine lettuce or any other
component of the subject salad consumed by
Christine Stranaghan), j/s/a,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CUMBERLAND COUNTY
DOCKET NO.: CUM-L-00489-19

CIVIL ACTION

FIRST AMENDED COMPLAINT

Christina Stranaghan and Lenny Weaver, h/w, Plaintiffs, by way of complaint, say:

BACKGROUND

Defendant Hakan, Inc. served Christine Stranaghan a chicken Caesar salad contaminated with E.coli. As a result she has been seriously harmed as described more fully below.

PARTIES

Plaintiffs – Christine Stranaghan and Lenny Weaver

Christine Stranaghan, 41, lives at 412 Ireland Avenue in Millville New Jersey with her husband Lenny Weaver.

Defendant – Hakan, Inc. d/b/a Golden Palace Diner and Restaurant

Defendant Hakan Inc. d/b/a Golden Palace Diner and Restaurant (hereinafter “Golden Palace”) is incorporated under the laws of New Jersey. Golden Palace is a restaurant, located at 2623 S. Delsea Dr., Vineland, New Jersey, that manufactures, prepares, and sells food products and foodservice supply products to the public.

Defendant – Sysco Philadelphia, LLC

Defendant Sysco Philadelphia, Inc. (hereinafter “Sysco”) is a limited liability company organized under the laws of Delaware with its principal place of business in Philadelphia, Pennsylvania. Sysco is a national food distribution company that manufactured and delivered various food products and food service supplied within the state of New Jersey. Upon belief, Sysco supplied the *E. coli*-contaminated lettuce to Defendant Hakan that ultimately caused Plaintiff’s injuries upon consumption.

FACTS RELEVANT TO ALL CLAIMS

Prior Outbreaks Linked to Lettuce and Other Leafy Greens

1. *E. coli* O157:H7 outbreaks associated with lettuce and other leafy greens are by no means a new phenomenon. Outlined below is a list of *E. coli* outbreaks involving contaminated

lettuce or leafy greens:

Date	Vehicle	Etiology	Confirmed Cases	State(s)
Aug. 1993	Salad Bar	<i>E. coli</i> O157:H7	53	WA
July 1995	Lettuce (leafy green; red; Romaine)	<i>E. coli</i> O157:H7	70	MT
Sept. 1995	Lettuce (Romaine)	<i>E. coli</i> O157:H7	20	ID
Sept. 1995	Lettuce (Iceberg)	<i>E. coli</i> O157:H7	30	ME
Oct. 1995	Lettuce (Iceberg; unconfirmed)	<i>E. coli</i> O157:H7	11	OH
May-June 1996	Lettuce (Mesclun; red leaf)	<i>E. coli</i> O157:H7	61	CT, IL, NY
May 1998	Salad	<i>E. coli</i> O157:H7	2	CA
Feb.-Mar. 1999	Lettuce (Iceberg)	<i>E. coli</i> O157:H7	72	NE
July-Aug. 2002	Lettuce (Romaine)	<i>E. coli</i> O157:H7	29	ID, WA
Oct. 2003 -May 2004	Lettuce (mixed salad)	<i>E. coli</i> O157:H7	57	CA
April 2004	Spinach	<i>E. coli</i> O157:H7	16	CA
Sept. 2005	Lettuce (Romaine)	<i>E. coli</i> O157:H7	32	MN, OR, WI
Sept. 2006	Spinach (baby)	<i>E. coli</i> O157:H7 and other serotypes	204	Nationwide
Nov./Dec. 2006	Lettuce	<i>E. coli</i> O157:H7	71	DE, NY, NJ, PA
Nov./Dec. 2006	Lettuce	<i>E. coli</i> O157:H7	81	IA, MN, WI
May 2008	Lettuce (Romaine)	<i>E. coli</i> O157:H7	9	WA
April 2010	Lettuce (Romaine)	<i>E. coli</i> O145	33	MI, NY, OH, PA, TN
March 2011	Lettuce (Romaine)	<i>E. coli</i> O157:H7	55	AR, AZ, IL, IN, KS, KY, MN, MO, NE
October 2011	Lettuce (Romaine)	<i>E. coli</i> O157:H7	60	AZ, AR, GA, IL, IN, KS, KY, MN, MO, NE

The 2018 *E. coli* O157:H7 Outbreak Linked to Romaine Lettuce from Yuma

2. At least 210 people in 36 states were sickened in an outbreak of *E. coli* O157:H7 linked to romaine lettuce grown in the Yuma, Arizona region. Illnesses also occurred in Canada and are not included in this count. As of June 28, 2018, this outbreak appears to be over.

3. Illnesses started on dates ranging from March 13, 2018 to June 6, 2018. Ill people ranged in age from 1 to 88 years, with a median age of 28. Sixty-seven percent of ill people were female. Of 201 people with information available, 96 (48%) were hospitalized, including 27 people who developed hemolytic uremic syndrome, a type of kidney failure. At least five victims died from their *E. coli* O157:H7 infections.

4. Epidemiologic, laboratory, and traceback evidence—generated during a large multi-agency investigation that included Centers for Disease Control and Prevention (CDC), Food and Drug Administration (FDA), and officials from state and local public health agencies—indicated that romaine lettuce from the Yuma growing region was the likely source of this outbreak.

5. In interviews, ill people answered questions about the foods they ate and other exposures they had before they became ill. Of the 166 people interviewed, 145 (87%) reported eating romaine lettuce in the week before their illness started. This percentage was significantly higher than results from a survey of healthy people in which 46% reported eating romaine lettuce in the week before they were interviewed. Some people who became sick in this outbreak did not report eating romaine lettuce but had close contact with someone else who got sick from eating romaine lettuce.

6. The FDA and state and local regulatory officials traced the romaine lettuce to many farms in the Yuma growing region. The FDA, along with CDC and state partners, started an environmental assessment in the Yuma growing region and collected samples of water, soil, and manure. CDC laboratory testing identified the outbreak strain of *E. coli* O157:H7 in water samples taken from a canal in the Yuma growing region. Whole genome sequencing analysis showed that

the *E. coli* O157:H7 found in the canal water is closely related genetically to the *E. coli* O157:H7 from ill people. Laboratory testing for other environmental samples is continuing.

The FDA is continuing to investigate to learn more about how the *E. coli* bacteria could have entered the water and ways this water could have contaminated romaine lettuce in the region.

***E. coli* O157:H7 Infection and Hemolytic Uremic Syndrome**

7. *Escherichia coli* are the name of a common family of bacteria, most members of which do not cause human disease. *E. coli* O157:H7 is a specific member of this family that can cause bloody diarrhea (hemorrhagic colitis) in humans. In the years since *E. coli* O157:H7 was first identified as a cause of diarrhea, this bacterium has established a reputation as a significant public health hazard.

8. *E. coli* O157:H7 lives in the intestines of cattle and other ruminants. *E. coli* O157:H7 is also notable among pathogenic bacteria for its extremely low infectious dose—that is, the number of bacteria necessary to induce infection in a person. While for most pathogenic bacteria it takes literally millions of bacterial colonies to cause illness, it is now known that fewer than 50 *E. coli* O157:H7 bacteria can cause illness in a child. The practical import is that even a microscopic amount of exposure can trigger a devastating infection.

9. The most severe cases of the *E. coli* O157:H7 infection occur in young children and in the elderly, presumably because the immune systems in those age populations are the most vulnerable. After a susceptible individual ingests *E. coli* O157:H7, the bacteria attach to the inside surface of the large intestine and initiates an inflammatory reaction of the intestine. What ultimately results is the painful bloody diarrhea and abdominal cramps characteristic of the intestinal illness.

10. The mean incubation period (time from ingestion to the onset of symptoms) of *E.*

coli O157:H7 is estimated to be two to four days (range, 1-21 days). Typically, a patient with an acute *E. coli* O157:H7 infection presents with abdominal cramps, bloody diarrhea, and vomiting. The duration of diarrhea in children with *E. coli* O157:H7 infections are significantly longer than that of adults.

11. *E. coli* O157:H7 can produce a wide spectrum of disease from mild, non-bloody diarrhea, to severe bloody diarrhea accompanied by excruciating abdominal pain to life-threatening complications. In most infected individuals, the intestinal illness lasts about a week and resolves without any long-term effects. Antibiotics do not appear to aid in combating these infections, and recent medical studies suggest that antibiotics are contraindicated for their risk of provoking more serious complications. Apart from good supportive care, which should include close attention to hydration and nutrition, there is no specific therapy.

12. About 10% of individuals with *E. coli* O157:H7 infections (mostly young children) go on to develop hemolytic uremic syndrome (HUS), a severe, potentially life-threatening complication. The essence of the syndrome is described by its three central features: destruction of red blood cells, destruction of platelets (those blood cells responsible for clotting), and acute renal failure due to the formation of micro-thrombi that occlude microscopic blood vessels that make up the filtering units within the kidneys.

13. There is no known therapy to halt the progression of HUS. The active stage of the disease usually lasts one to two weeks, during which a variety of complications are possible. HUS is a frightening illness that even in the best American medical facilities has a mortality rate of about 5%. The majority of HUS patients require transfusion of blood products and develop complications common to the critically ill.

Christina Stranaghan's Injuries

14. On or around December 6, 2017, Defendant Hakan received a shipment of *E. coli*-contaminated romaine lettuce from Defendant Sysco.

14. On or about December 11, 2017, Ms. Stranaghan consumed a chicken Caesar salad from Defendant's restaurant, Golden Palace Diner and Restaurant, located at 2623 S. Delsea Dr., Vineland, NJ, 08360. The salad was made with the romaine lettuce contaminated by *E. coli* O157:H7 bacteria that Defendant Hakan received from Defendant Sysco.

15. Ms. Stranaghan developed nausea on or around December 14, 2017. By December 16, 2017, she had developed severe diarrhea and vomiting. On December 17, 2017, her diarrhea became bloody.

16. Ms. Stranaghan sought medical attention at Inspira Medical Center on December 17, 2017. She was admitted and remained hospitalized until January 2, 2018.

17. While hospitalized, a stool sample collected from Ms. Stranaghan tested positive for *E. coli* O157:H7. Further testing at the New Jersey Public Health Lab determined that her *E. coli* infection was a genetic match to the Yuma, Arizona romaine outbreak *E. coli* strain.

18. Ms. Stranaghan was diagnosed with hemolytic uremic syndrome (HUS), caused by her *E. coli* O157:H7 infection. As a result of her HUS, Ms. Stranaghan required multiple blood transfusions and underwent hemodialysis, among other invasive and painful medical treatments.

19. Ms. Stranaghan was again hospitalized for pancreatitis from January 6, 2018 through January 8, 2018.

20. Ms. Stranaghan continues to have follow-up appointments with kidney, gastroenterology, and blood doctors, as well as her primary care physician due to her *E. coli*

O157:H7 infection and HUS.

21. Ms. Stranaghan contracted her confirmed *E. coli* O157:H7 illness from consuming the Defendant's *E. coli* O15:H7-contaminated salad.

COUNT I
AS TO ALL DEFENDANTS

VIOLATIONS OF THE NEW JERSEY PRODUCT LIABILITY ACT, N.J.S.A. 2A:58C

22. Plaintiffs repeat and reallege all previous allegations of this Complaint as if set forth fully here in.

23. At all times relevant, Defendants manufactured and sold the adulterated food product that is the subject of this action.

24. The adulterated food product that Defendants manufactured, distributed, and sold was, at the time it left Defendants' control, defective and unreasonably dangerous for its ordinary and expected use because it was contaminated by *E. coli* O157:H7, a bacterium dangerous to human health.

25. Because the adulterated food product that is the subject of this action was contaminated by *E. coli* O157:H7, it was in a condition that consumers had not contemplated, including Plaintiff, and it was in a condition that rendered the product unreasonably dangerous for its ordinary and expected use.

26. The food product that is the subject of this action was expected to reach the consumers, including Plaintiff, and be consumed by them, without substantial change. Plaintiff used the product in the manner expected and intended, including when she consumed it:

27. The food product that is the subject of this action was defective and unreasonably dangerous for its ordinary and expected use because it was contaminated by *E. coli* O157:H7, which was a manufacturing defect, and did not contain warnings or instructions indicating that the

product was unreasonably dangerous due to the contamination.

28. Plaintiff suffered injury and damages as a direct and proximate result of the defective and unreasonably dangerous condition of the adulterated food product that Defendants manufactured, distributed, and sold. These damages include but are not limited to: physical and mental pain and suffering, past and future in the form of the pain and suffering including bodily suffering, discomfort and loss of enjoyment of life; and medical costs and expenses to this point and the present value of reasonable medical expenses in the future.

WHEREFORE, Plaintiffs demand judgment against all Defendants for damages, punitive damages, interest and costs of suit.

COUNT II
CONSORTIUM

AS TO ALL DEFENDANTS

29. Plaintiffs repeat and reallege all previous allegations of this Complaint as if set forth fully here in.

30. Christina Stranaghan and Lenny Weaver are husband and wife.

31. As a proximate result of Defendants' negligence, Lenny Weaver has been and in the future will be deprived of the services and society of his spouse.

WHEREFORE, Plaintiffs demand judgment against all Defendants for damages, punitive damages, interest and costs of suit

NOTICE OF OTHER ACTIONS

Pursuant to the provisions of R. 4:5-1, I hereby certify as follows:

1. The matter in controversy is neither the subject of any other action pending in any other court nor of a pending arbitration proceeding.

2. It is not anticipated that the matter in controversy may become the subject of any other claim

3. All parties who should have been joined in this action have been so joined.

I hereby certify that the foregoing statements I have made are true. I am aware that if any of the statements I have made are willfully false, I am subject to punishment.

DEMAND FOR COMPLIANCE WITH RULES 1:5-1(a) AND 4:17-4(c)

PLEASE TAKE NOTICE that the undersigned attorney, counsel for the Plaintiffs, hereby demands, pursuant to the provisions of Rules 1:5-1(a) and 4:17-4(a), that each party serving pleadings or interrogatories and receiving responses thereto shall serve copies of all such pleadings, interrogatories, and responses thereto upon the undersigned, and further

TAKE FURTHER NOTICE that this is a continuing demand.

DEMAND FOR ANSWERS TO DISCOVERY

PLEASE TAKE NOTICE that counsel for Plaintiffs hereby demands, pursuant to R. 4:17, et seq. and 4:18, et seq. that Defendants answer form C interrogatories, form C(4) interrogatories, and that Defendant Sysco answer the supplemental interrogatories set forth below and requests for production of documents set forth below.

DESIGNATION OF TRIAL ATTORNEY

PLEASE TAKE NOTICE pursuant to the provisions of the Rules Governing the Courts of the State of New Jersey, Michael A. Ferrara, Jr. is hereby designated as the attorney who will try this case.

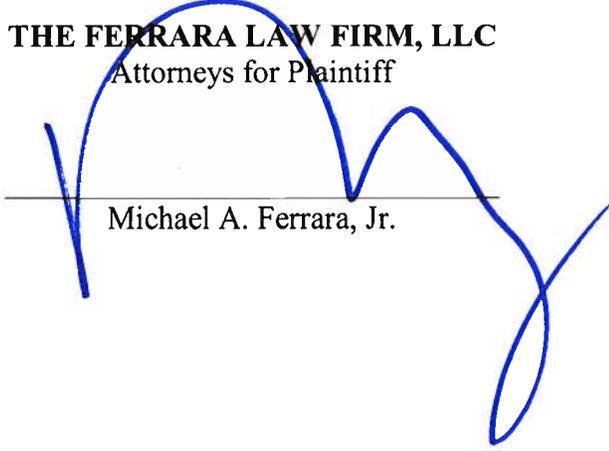
DEMAND FOR TRIAL BY JURY

PLEASE TAKE NOTICE that Plaintiffs demand a trial by jury of 12 as to all issues pursuant to the Rules of this Court.

DEMAND FOR INSURANCE INFORMATION

PLEASE TAKE NOTICE that pursuant to R. 4:10-2(b), plaintiffs hereby demand production of a copy of any and all insurance agreements under which the defendants may be covered to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

THE FERRARA LAW FIRM, LLC
Attorneys for Plaintiff



Michael A. Ferrara, Jr.

Date: March 17, 2020

SUPPLEMENTAL INTERROGATORIES TO DEFENDANT SYSCO

Plaintiff, by and through her attorneys, requests responses pursuant to R. 4:17, et seq. for the following interrogatories:

DEFINITIONS

For purposes of Plaintiff's First Set of Interrogatories and Requests for Production, the following terms are defined and have the meaning as set forth below:

1. The terms "identify" or "identity" mean:

(a) When used with reference to a natural person, to state: (1) his full name; (2) present or last-known home address; (3) present or last-known business address, if applicable; (4) present or last-known telephone number; (5) present or last known job title, position, or business affiliation at the time in question; and, (6) whether you contend Plaintiff is barred from ex parte contact. (Please note that the failure to state your contention will be interpreted to mean that the defendant has no objection to ex parte contact with the identified person.)

(b) When used with reference to a business or commercial entity (e.g., a partnership, joint-venture, or corporation), to state: (1) the full legal name of such entity; (2) the names under which such entity does business; (3) the entity's addresses and telephone numbers; (4) the identity of the registered agent, executive, officer, manager, trustee, or other principal representative; and, if this is a company or entity with which you have or had a business relationship (5) the primary contact person with you.

(c) When used with regard to a process, concept, place, material, idea, event, or thing, to fully and accurately describe it, identifying the persons most knowledgeable, the relevant history or time-line, and the identity and location of any related documents.

2. The terms “relating to” or “concerning” are intended broadly, but not in a way designed to seek information that is irrelevant, or beyond the scope authorized by N.J. Court Rules, R. 4:10-2(a). Accordingly, the terms should be understood and read in their common, dictionary-sense as meaning “to have to do with, to be of importance to, to involve, or to in some manner, direct or indirect, to evidence, define, describe, or explain.” Any objection to an interrogatory on the ground that it is unduly burdensome or overbroad, based solely on the use of one or the other of these terms, is therefore not appropriate.

3. “You” means the defendant Sysco Philadelphia, LLC. The term “you” is intended to include all directors, officers, managers, agents, employees, and representatives, except not including attorneys insofar as such inclusion would invade the attorney-client privilege. The possessive pronoun “your” is intended in its adjectival sense to mean that which you own, operate, franchise, oversee and the like.

4. The term “document” is intended in its conventional sense to refer to any paper or tangible material upon which information is printed, typewritten, handwritten, drawn or depicted, including, but not limited to, writings, drawings, graphs, charts, maps, diagrams, phone messages, calendars or schedules, memos, account-statements, ledgers, spread-sheets, journals, bank statements, handwritten notices, meeting notes or minutes, contracts, resumes, agreements, checks, receipts, invoices, purchase-orders, packing lists, bills, brochures, advertisements, signs, printed emails, or other print-outs of electronic document. The term “document” also means all copies, drafts, or versions containing interlineations, corrections, written notations of any kind, including post-it notes or routing slips. The term “document” should be deemed to include the box, file-folder, or notebook that contains the document, and the name, label, or identifying-mark on it. It also includes indexes, tables of contents, list, or summaries that identify or reference the

document. Finally, the term “document” is intended to include “electronic data” and “electronic documents” which are further defined below.

1. Identify your supplier(s) of romaine lettuce products for the lettuce that would have been included in your shipment of romaine lettuce to Defendant Hakan referenced in Invoice 175674342, with a delivery date of December 6, 2017. *See* Invoice attached as Exhibit 1.

RESPONSE:

CERTIFICATION

I hereby certify that the foregoing answers to interrogatories are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. I hereby certify that the copies of the reports annexed hereto provided by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports provided by them; that the existence of other reports of said doctors or experts are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

Dated:

REQUESTS FOR PRODUCTION TO DEFENDANT SYSCO

Plaintiff, by and through her attorneys, requests responses pursuant to R. 4:18, et seq. to the following requests for production:

DEFINITIONS

For purposes of Plaintiff's First Set of Interrogatories and Requests for Production, the following terms are defined and have the meaning as set forth below:

1. The terms "identify" or "identity" mean:

(a) When used with reference to a natural person, to state: (1) his full name; (2) present or last-known home address; (3) present or last-known business address, if applicable; (4) present or last-known telephone number; (5) present or last known job title, position, or business affiliation at the time in question; and, (6) whether you contend Plaintiff is barred from ex parte contact. (Please note that the failure to state your contention will be interpreted to mean that the defendant has no objection to ex parte contact with the identified person.)

(b) When used with reference to a business or commercial entity (e.g., a partnership, joint-venture, or corporation), to state: (1) the full legal name of such entity; (2) the names under which such entity does business; (3) the entity's addresses and telephone numbers; (4) the identity of the registered agent, executive, officer, manager, trustee, or other principal representative; and, if this is a company or entity with which you have or had a business relationship (5) the primary contact person with you.

(c) When used with regard to a process, concept, place, material, idea, event, or thing, to fully and accurately describe it, identifying the persons most knowledgeable, the relevant history or time-line, and the identity and location of any related documents.

2. The terms “relating to” or “concerning” are intended broadly, but not in a way designed to seek information that is irrelevant, or beyond the scope authorized by N.J. Court Rules, R. 4:10-2(a). Accordingly, the terms should be understood and read in their common, dictionary-sense as meaning “to have to do with, to be of importance to, to involve, or to in some manner, direct or indirect, to evidence, define, describe, or explain.” Any objection to an interrogatory on the ground that it is unduly burdensome or overbroad, based solely on the use of one or the other of these terms, is therefore not appropriate.

3. “You” means the defendant Sysco Philadelphia, LLC. The term “you” is intended to include all directors, officers, managers, agents, employees, and representatives, except not including attorneys insofar as such inclusion would invade the attorney-client privilege. The possessive pronoun “your” is intended in its adjectival sense to mean that which you own, operate, franchise, oversee and the like.

4. The term “document” is intended in its conventional sense to refer to any paper or tangible material upon which information is printed, typewritten, handwritten, drawn or depicted, including, but not limited to, writings, drawings, graphs, charts, maps, diagrams, phone messages, calendars or schedules, memos, account-statements, ledgers, spread-sheets, journals, bank statements, handwritten notices, meeting notes or minutes, contracts, resumes, agreements, checks, receipts, invoices, purchase-orders, packing lists, bills, brochures, advertisements, signs, printed emails, or other print-outs of electronic document. The term “document” also means all copies, drafts, or versions containing interlineations, corrections, written notations of any kind, including post-it notes or routing slips. The term “document” should be deemed to include the box, file-folder, or notebook that contains the document, and the name, label, or identifying-mark on it. It also includes indexes, tables of contents, list, or summaries that identify or reference the

document. Finally, the term “document” is intended to include “electronic data” and “electronic documents” which are further defined below.

1. Produce any and all documentation, including but not limited to invoices, purchase orders, and bills of lading, relating to your receipt of romaine lettuce products you used to fulfill the order from Defendant Hakan referenced in the invoice produced at Exhibit 1.

RESPONSE:

CERTIFICATION OF COMPLETENESS, REQUIRED BY R. 4:18-1(C)

I hereby certify that I have reviewed the document production request and that I have made or caused to be made a good faith search for documents responsive to the request. I further certify that as of this date, to the best of my knowledge and information, the production is complete and accurate based on my personal knowledge and/or information provided by others. I acknowledge my continuing obligation to make a good faith effort to identify additional documents that are responsive to the request and to promptly serve a supplemental written response and production of such documents, as appropriate, as I become aware of them. The following is a list of the identity and source of knowledge of those who provided information to me: _____.

Dated: _____

THE FERRARA LAW FIRM, LLC

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CHRISINA STRANAGHAN and LENNY
WEAVER, h/w

Vs.

HAKAN, INC., (A New Jersey Corporation)
d/b/a Golden Palace Diner and Restaurant; and

JOHN DOE 1-100 (fictitious name(s) of the
individual(s) or entity(ies) responsible for
growing, processing, distributing or supplying
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component of the subject salad consumed by
Christine Stranaghan), j/s/a,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: CUMBERLAND
COUNTY
DOCKET NO.: CUM-L-00489-19
CIVIL ACTION

ORDER

This matter having come before the Court upon the Motion filed by The Ferrara Law Firm, LLC, on behalf of plaintiffs and the Court having considered the moving papers;

IT IS on this 13th day of March, 2020

ORDERED that plaintiff's motion is hereby GRANTED;

ORDERED that plaintiff be permitted to file a First Amended Complaint substituting Sysco Philadelphia, LLC for defendant John Doe #1 in this action; and

FURTHER ORDERED that a copy of this order be sent to all counsel within 7 days of its execution.

s/Jean Chetney
J.S.C.

Unopposed