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Eatery to appeal verdict on food poisoning

Jury awarded
\$3.2 million to a
woman with nerve
damage who ate at
Salt Creek Grille.

By **NANCY LUNA**
THE ORANGE COUNTY REGISTER

A San Clemente woman who ended up with nerve damage after eating an ahi tuna appetizer at **Salt Creek Grille** in Dana Point was awarded \$3.2 million in damages by an Orange County jury.

Operators of the popular restaurant said Tuesday they would appeal the July 11 verdict in favor of Alexis Sarti, 22. The Saddleback College student sued the three-unit chain after an illness stemming from alleged "cross contamination" of her raw fish with bacteria found in raw poultry, according to Sarti's Newport Beach attorneys Keith Bremer and Tyler Offenhauser.

She later had a violent reaction that caused her nervous system to shut down, temporarily leaving her with double vision and paralysis from head to toe, according to the lawsuit. A jury ordered Salt Creek to pay her \$3.2 million in damages. The average compensation awarded by juries to plaintiffs in food-poisoning cases was \$41,888, according to a 2004 U.S. Department of Agriculture survey of food-borne illness cases.

In a statement released Tuesday, Salt Creek's president and co-founder Tim McCune said he is confident that the verdict would be overturned on appeal "and our company and staff will be vindicated."

"Salt Creek Grille has been in business for 10 years," McCune said. "During that time and in our three locations, we have served well over two million guests. Our number one priority has been, and will always be, the safety and well being of our guests."

At trial, Offenhauser argued that Salt Creek had a pattern of "improper food handling at the restaurant" based on testimony from medical experts who reviewed Orange County Health Care Agency inspection reports. According to the agency, Salt Creek had several violations related to food storage, food handling and cross contamination on July 27, 2004, Jan. 28, 2005 and May 5, 2005.

The restaurant has never had violations severe enough to be shut down, according to records dating back to 1999, agency spokesman Howard Sutter said Tuesday.

The May 5, 2005, inspection was conducted after Sarti's physicians notified the agency that she had ingested a pathogen



HANDOUT

OWNERS: Tim McCune and Pete Truxaw, proprietors of Salt Creek Grille in Dana Point.

TUNA: Suit alleged food contamination

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known as campylobacter, the most commonly reported bacterial cause of food-related infection, which affects about 1 million people a year in the U.S., according to the Centers for Disease Control and Prevention.

At trial, the attorneys argued that Sarti's tuna had come in contact with the bacteria via cross contamination.

One way that can happen, according to the Health Care Agency, is when an employee cuts raw chicken on a cutting board and then uses that same board to prepare other food without proper sanitation.

Sarti told her doctors that the ahi was the only thing she ate April 7, 2005, other than Doritos and Gatorade. Twenty-four hours later, she "experienced stomachaches, diarrhea, vomiting, facial flushing, confusion and blurred vision," according to the suit. However, she never went to the hospital because she thought she had the flu, her attorneys said.

Nearly two weeks later, she was hospitalized when she couldn't see or walk, the suit said. Her doctors diagnosed her with Guillian-Barre, a rare neurological disorder stemming from food poisoning, according to the lawsuit.

The disorder caused Sarti's respiratory system to shut down. After 49 days in the hospital, she was released with

Tips for preventing campylobacteriosis

- Cook all poultry products thoroughly. Make sure that the meat is cooked throughout (no longer pink), and any juices run clear. If you are served undercooked poultry in a restaurant, send it back for more cooking.
- Wash hands with soap before handling raw foods of animal origin. Wash hands with soap after handling raw foods of animal origin and before touching anything else.
- Prevent cross-contamination in the kitchen by using separate cutting boards for foods of animal origin and other foods. Carefully clean all cutting boards, countertops and utensils with soap and hot water after preparing raw food of animal origin.

Source: Centers for Disease Control and Prevention

40 percent nerve damage. She can't walk long distances, and often uses a wheelchair, Sarti said Tuesday.

"I still can't walk up and down stairs, and I can't run," she said.

Register researcher John Cann contributed to this report.

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