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Law firm wins food-poison suit

Newport partnership wins \$3.25 million jury verdict for woman stricken after eating tuna dish.

By Purnima Mudnal
Daily Pilot

A 21-year-old woman represented by a Newport Beach law firm has won a \$3.25-million jury verdict in a food poisoning case against a Dana Point restaurant.

An Orange County Superior Court judge has yet to rule on the verdict, which was handed down July 11.

Alexis Sarti, of San Clemente, suffered a rare form of food poisoning after eating an ahi tuna appetizer at the Salt Creek Grille. Bremer, Whyte, Brown & O'Meara LLP represented Sarti in the lawsuit.

Tim McCune, president and co-founder of Salt Creek Ltd., which runs the restaurant, said he and co-founder Pete Truxaw are appealing the jury's verdict.

According to Sarti's lawyers, Sarti suffered symptoms typical of food poisoning a day after she ate the appetizer in April 2005.

Her condition worsened over the next 13 days as she suffered vision loss and paralysis of her arms and legs.

Sarti was admitted to the San Clemente Memorial Medical Center where she became completely paralyzed over the next two weeks. She was placed in a coma for 10 days.

Tests confirmed that Sarti came down with an extremely rare condition known as Guil-

lain-Barré Syndrome.

An emergency room physician testified the *Campylobacter* bacteria caused 99% of food-poisoning cases that he had seen, said

Keith Bremer, one of the attorneys who represented Sarti.

The bacteria is an "infectious bacteria and most people who become ill with it get symptoms

of cramping, abdominal pain, and fever within just a few hours, depending on the dosage," said Tyler Offenhauser, another of Sarti's attorneys.

The firm contends that the restaurant had been careless and negligent in storing and cooking food several times in the past, Offenhauser said.

In April 2005, the Orange

"Our number one priority has been, and will be, the safety and well-being of our guests."

Tim McCune, president and co-founder of Salt Creek Ltd.,

County Healthcare Agency found a case of cross-contamination of raw meat at the restaurant, as well as other violations such as dish rags not being properly sanitized.

The Dana Point restaurant has been open for 10 years.

"During that time and in our three locations, we have served well over 2 million guests," McCune said in a prepared statement.

"Our number one priority has been, and will be, the safety and well-being of our guests," McCune wrote, adding the company was disappointed with the jury's decision.

Guillain-Barré Syndrome triggers a person's immune system to attack its nervous system, leading to paralysis.

The syndrome occurs in about one in every 1,000 cases of food poisoning, according to a Centers for Disease Control representative.

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