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VERDICTS & SETTLEMENTS

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FRIDAY, AUGUST 25, 2006

PERSONAL INJURY

STRICT LIABILITY

Breach of Implied Warranty/Food Poisoning

SETTLEMENT: \$3,225,000.

CASE/NUMBER: Alexis Sarti v. Salt Creek-Huntington Beach, LLC; Salt Creek, Ltd., LP; Timothy E. McCune, an individual; Peter E. Truxaw, an individual / 05CC08588.

COURT/DATE: Orange Superior / July 11, 2006.

JUDGE: Hon. Derek W. Hunt.

ATTORNEYS: Plaintiff - Tyler D. Offenhauser, Keith G. Bremer (Bremer Whyte Brown & O'Meara LLP, Newport Beach).

Defendant - Richard L. Scott (Law Offices of Melvin Seifert, Diamond Bar).

MEDICAL EXPERTS: Plaintiff - Andrew S. Kassinove, M.D., Rancho Palos Verdes.

FACTS: On April 7, 2005, plaintiff Alexis Sarti, a 22-year-old single woman, entered Salt Creek Grille restaurant. The plaintiff ordered the Ahi tuna appetizer. The appetizer consisted of Saku Ahi, fried ginger, pickled ginger, marinated cucumbers, wasabi, chives, and ginger soy sauce. The plaintiff consumed the appetizer prepared for her and later left Salt Creek Grille.

Approximately 24 hours after consuming the appetizer, the

plaintiff became violently ill. She experienced stomach aches, diarrhea, vomiting, facial flushing, confusion, and blurred vision.

On April 20, 2005, the plaintiff was admitted to Saddleback Memorial Medical Center in San Clemente. The plaintiff experienced loss of vision, partial paralysis, and continued diarrhea upon admittance. The plaintiff was immediately admitted to the Intensive Care Unit for treatment.

The plaintiff contracted *Campylobacter* as a result of cross-contamination and eating contaminated food at the Salt Creek Grille and was later diagnosed with Guillain-Barre syndrome. Guillain-Barre syndrome is a neurological disorder in which the body's immune system attacks the peripheral nervous system. Severe debilitating muscle weakness with resulting paralysis of the limbs, face muscles and breathing characterize it.

The plaintiff was treated in the contraction of the harmful bacteria in the ICU for 12 days as a result of consuming contaminated food at the Salt Creek Grille. The plaintiff was discharged from the hospital 49 days later on June 9, 2005.

PLAINTIFF'S CONTENTIONS:

The plaintiff contended that her injuries resulted from cross-contamination after consuming an appetizer at the Salt Creek Grille restaurant located in Dana Point.

DEFENDANT'S CONTENTIONS:

The defendant contended that the plaintiff's injuries couldn't prove that the injuries were caused by food consumed at Salt Creek Grille.

JURY TRIAL: Length, five days; Poll, 12-0 (unanimous); Deliberation, two days.

SETTLEMENT DISCUSSIONS:

At mediation with Thomas S. Dillard, Esq. of Judicate West, the defendant denied liability and offered \$150,000 to settle the case. The plaintiff countered with a demand of \$1.2 million. No agreement could be reached. The case proceeded to trial.

RESULT: Verdict for plaintiff in the amount of \$3,225,000.