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6 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
7 **IN AND FOR THE COUNTY OF CLARK**

8 MICHAEL WILLIAMS and RENEE)
SANDERS,)
9)
Plaintiffs,)
10)
v.)
11)
PAPA MURPHY’S COMPANY STORES,)
12 INC., a Washington for-profit corporation,)
13)
Defendant.)

NO. 23-2-02077-06

**COMPLAINT FOR PERSONAL
INJURY AND DAMAGES**

14 COME NOW the plaintiffs, MICHAEL WILLIAMS and RENEE SANDERS, by and
15 through their attorneys of record, William D. Marler, Esq., and Ilana P. Korchia, Esq., of Marler
16 Clark, Inc., PS, and allege as follows:

17 **I. PARTIES AND JURISDICTION**

18 1.1 The plaintiffs, Michael Williams and Renee Sanders (“Plaintiffs”), reside in
19 Vancouver, Clark County, Washington.
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1 bars dough, and one person ate baked cookies made with Papa Murphy's chocolate chip cookie
2 dough.

3 2.4 In response to this investigation, Papa Murphy's notified franchise owners nationwide
4 and stopped selling all Chocolate Chip Cookie dough and S'mores Bars dough at all stores. As of
5 July 13, 2023, Papa Murphy's has not restarted sales of cookie dough.

6 2.5 Whole genome sequencing (WGS) by the Washington Department of Health
7 (WADOH) revealed that Michael's case (WGS ID: PNUSAS344232; WA Cluster Code: SALM23-
8 013) was highly related to the isolates known to be a part of the Papa Murphy's outbreak. The
9 WADOH also determined that Renee's *Salmonella* illness was a probable link to the Papa Murphy's
10 outbreak.

11 **The *Salmonella* bacteria:**

12 2.6 *Salmonella* is an enteric bacterium, which means that it lives in the intestinal tracts of
13 humans and other animals. *Salmonella* bacteria are usually transmitted to humans by eating foods
14 contaminated with human or animal feces. Contaminated foods usually look and smell normal.
15 Contaminated foods are often of animal origin, but all foods, including vegetables, may become
16 contaminated. An infected food handler who neglects to wash his or her hands with soap and warm
17 water after using the bathroom may also contaminate food.

18 2.7 Once in the lumen of the small intestine, the bacteria penetrate the epithelium,
19 multiply, and enter the blood within 6-72 hours. As few as 15-20 cells of *Salmonella* bacteria can
20 cause salmonellosis or a more serious typhoid-like fever. Variables, such as the health and age of the
21 host and virulence differences among the serotypes, affect the nature and extent of the illness.

1 Infants, elderly, hospitalized, and immune suppressed persons are the populations that are most
2 susceptible to disease and suffer the most severe symptoms.

3 2.8 The acute symptoms of *Salmonella* gastroenteritis include the sudden onset of nausea,
4 abdominal cramping, and diarrhea lasting several days. The diarrhea often turns bloody. There is no
5 real cure for *Salmonella* infection, except treatment of the symptoms. Persons with severe diarrhea
6 may require rehydration, often with intravenous fluids.

7 2.9 Persons with diarrhea usually recover completely, although it may be several months
8 before bowel habits return entirely to normal. A small number of persons who are infected with
9 *Salmonella* will go on to develop pains in their joints, irritation of the eyes, and painful urination.
10 This development is called reactive arthritis, and it can last for months or years, sometimes leading
11 to chronic arthritis that is difficult to treat. Antibiotic treatment does not make a difference in whether
12 the person later develops arthritis.

13 **Michael Williams and Renee Sanders's *Salmonella* Infections:**

14 2.10 Sometime in March 2023, Michael Williams visited the Papa Murphy's restaurant in
15 Lebanon, Oregon, with his girlfriend Renee Sanders. Using cash, Michael purchased one pizza and
16 one package of Papa Murphy's Take 'N' Bake raw chocolate chip cookie dough.

17 2.11 That day, Michael and Renee consumed the Papa Murphy's pizza with Renee's
18 mother and sister in Lebanon. Michael and Renee did not open or consume any of the Papa Murphy's
19 cookie dough and chose instead to bring it back to their home in Vancouver, WA. Upon returning
20 home, they placed the cookie dough in their fridge.

1 2.12 Michael and Renee began consuming the cookie dough approximately two weeks
2 after they purchased it at the Papa Murphy's in Lebanon, OR. They ate the dough raw over a period
3 of several days in late March and early April 2023.

4 2.13 Renee began experiencing the onset of her illness on April 10, 2023, a few days after
5 consuming the cookie dough. She developed a fever, chills, nausea and vomiting, and diarrhea that
6 lasted close to a week. As a result, she had to take several days off of work.

7 2.14 Michael experienced the same symptoms as Renee on April 10, 2023, but after a
8 couple days, he could not walk properly and was limping. He attempted to push through work despite
9 his discomfort but soon realized that his symptoms showed no signs of improvement. Consequently,
10 he decided to seek medical attention and visited PeaceHealth Urgent Care located in Vancouver,
11 WA. At Urgent Care, doctors told Michael he probably had an infection and urged him to go to the
12 Emergency Room immediately.

13 2.15 Michael heeded his doctors' orders and went to the Emergency Room at PeaceHealth
14 Southwest Medical Center. After a battery of testing, including blood tests, doctors determined that
15 Michael had a *Salmonella* infection that had likely developed into sepsis; the bacteria had settled into
16 his hip and that is why he was limping and could barely walk.

17 2.16 To date, Michael is still suffering from constant pain from his *Salmonella* infection.
18 His doctors have informed him that he may need a hip replacement and that, if he overworks himself,
19 he will likely end up bedridden.

1 **III. FIRST CAUSE OF ACTION**

2 **STRICT PRODUCT LIABILITY**

3 3.1 The defendant is a product manufacturer within the meaning of the Washington
4 Product Liability Act (“WPLA” or “the Act”), RCW 7.72.010(2), and manufactured the food that
5 caused the plaintiffs’ *Salmonella* infections and related injuries. The *Salmonella*-contaminated food
6 consumed by the plaintiffs was a product within the meaning of the WPLA, RCW 7.72.010(3).

7 3.2 Under the WPLA, the defendant owed a duty to the plaintiffs to manufacture a product
8 that was reasonably safe in construction, did not materially deviate from applicable design
9 specifications, or otherwise deviate in some material way from otherwise identical units in the
10 defendant’s product line.

11 3.3 Under the WPLA, the defendant owed a duty to the plaintiffs to manufacture a product
12 that conformed to its implied warranties, as defined by RCW Ch. 62A, including, but not limited to,
13 the implied warranty that defendant’s food was fit for human consumption.

14 3.4 The food manufactured and sold by the defendant that caused plaintiffs’ respective
15 *Salmonella* infections, and all associated legal injuries, was not reasonably safe in construction, and
16 did not conform to defendant’s implied warranties, because it was contaminated and adulterated with
17 *Salmonella*.

18 3.5 Because the defendant’s food was not reasonably safe in construction, and did not
19 conform to defendant’s implied warranties, the defendant is strictly liable to the plaintiffs for the
20 harm proximately caused by the contaminated food.

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1 **IV. SECOND CAUSE OF ACTION**

2 **NEGLIGENCE**

3 4.1 The defendant manufactured, distributed and sold a product that was not reasonably
4 safe as designed or manufactured, within the meaning of the WPLA, RCW 7.72.030(1).

5 4.2 The defendant was negligent in manufacturing, distributing, and selling a product that
6 was not reasonably safe because adequate warnings or instructions were not provided including, but
7 not limited to, the warning that the food may contain *Salmonella*, and thus should not be provided
8 for the purpose of human consumption.

9 4.3 The defendant had a duty to comply with all statutory and regulatory provisions that
10 pertained or applied to the manufacture, distribution, storage, labeling, and sale of its food products
11 including, but not limited to, the Federal Food, Drug, and Cosmetics Act, which bans the
12 manufacture, sale, and distribution of any “adulterated” food. The defendant breached this duty.

13 4.4 The plaintiffs are among the class of persons designed to be protected by the statutory
14 and regulatory provisions pertaining to the defendant’s manufacture, distribution, storage, labeling,
15 and sale of its food.

16 4.5 The defendant owed a duty to the plaintiffs to use reasonable care in the manufacture,
17 distribution, and sale of its product, to prevent contamination by *Salmonella*. The defendant
18 breached this duty.

19 4.6 As a result of the defendant’s negligence, the plaintiffs suffered severe and permanent
20 personal injuries, as well as economic loss.

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1 **V. DAMAGES**

2 5.1 The plaintiffs have suffered general, special, incidental, and consequential damages
3 as a direct and proximate result of the acts and omissions of the defendant, which damages shall be
4 fully proven at the time of trial, including, but not limited to: damages for loss of enjoyment of life,
5 both past and future; medical and medical related expenses, both past and future; travel and travel-
6 related expenses, past and future; emotional distress, and future emotional distress; pharmaceutical
7 expenses, past and future; wage and other economic damages loss; loss of consortium; and other
8 ordinary, incidental and consequential damages as would be anticipated to arise under the
9 circumstances.

10 **PRAYER FOR RELIEF**

11 WHEREFORE, the plaintiffs, having stated their claims in full, request judgment by this
12 court against the defendant as follows:

- 13 1. For general damages, in amounts to be proven at the time of trial;
14 2. For special damages, in amounts to be proven at the time of trial;
15 3. For costs, including their reasonable attorney fees; and
16 4. For such other and further relief as the court deems just and equitable in the
17 circumstances.

18 The plaintiffs further request that the court award the plaintiffs the opportunity to amend or
19 modify the provisions of this complaint as necessary or appropriate after additional or further
20 discovery is completed, and after all appropriate parties have been served.

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DATED this 17th day of August 2023.

MARLER CLARK, INC., P.S.

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