

1. At all times relevant to this action, Plaintiff resided in Norfolk County, Massachusetts. Plaintiff is a citizen of the State of Massachusetts.
2. At all times relevant to this action, Defendant Brighton Amigos Inc. dba Los Amigos Taqueria (“Los Amigos”) was a Massachusetts corporation with its principal place of business located at 366 Washington Street, Brighton, MA 02135. Los Amigos is a citizen of the State of Massachusetts. At all times relevant to this action, Los Amigos was a restaurant that manufactured, prepared, distributed, and/or sold food to customers in the Greater Boston area. Los Amigos can be served with process through its registered agent, Nataniel Ustayev, at 366 Washington Street, Brighton, MA 02135.
3. This cause of action arises from Ryan Camire development of *Salmonella* food poisoning after eating of *Salmonella*-contaminated food products manufactured, prepared, distributed, and/or

sold by Los Amigos at its Brighton, Massachusetts restaurant, located in Suffolk County.

4. As used in this Complaint, the terms "defendant," "defendants," or "defendant corporations" shall include the party defendants identified in paragraph 2 hereof, and their predecessors and successors, which shall include, but not be limited to, any person, corporation, company of business entity which formed part of any combination, consolidation, merger, or reorganization from which any party defendant was created or was the surviving corporation of other entity, or into which any party defendant was merged, consolidated, or reorganized; whose assets, stock, property, employees, customers, good will, products, or product line was acquired by or from any party defendant; or which was dominated or controlled by any party defendant to such an extent that said party defendant was the "alter ego" of said corporation.

5. Plaintiff's cause of action arises from the defendants: (a) transacting business in the Commonwealth of Massachusetts; (b) contracting to supply and/or sell goods in the Commonwealth of Massachusetts; (c) doing or causing a tortious act to be done within the Commonwealth of Massachusetts; and/or (d) causing the consequence of a tortious act to occur within the Commonwealth of Massachusetts.

FACTS

The Outbreak

6. On May 19, 2023, Local health officials announced they were investigating an outbreak of Salmonella infections linked to the consumption of food products manufactured, prepared, distributed, and/or sold by Los Amigos restaurants in Brighton, Massachusetts and West Roxbury, Massachusetts. According to the City of Boston, "there are multiple reports of a foodborne illness from items consumed at this location" of customers in the Greater Boston area.

7. The epidemiologic evidence available to investigators identified that restaurants operated

by Los Amigos are the source of the outbreak. The specific food product, ingredient, or cause of contamination has not yet been identified. At this time, all food items have been embargoed. The investigations are still pending.

8. On or about May 18, 2023, the health agencies held a meeting with the owners of Los Amigos to conduct onsite inspections and advise the firm about the outbreak linked to food served by the company. The investigation of the restaurant chain and its production methods continues. The restaurant chain's permits have been temporarily suspended and its Brighton and West Roxbury stores have been closed pending the investigation. The health agency is also testing food items collected during this inspection.

Salmonella

9. The local health agencies have confirmed that the outbreak bacteria are Salmonella.

10. The term Salmonella refers to a group or family of bacteria that cause illness in humans. Salmonella lives in the intestinal tracts of humans and other animals, including poultry. But the type of Salmonella that may not make poultry sick can make humans very ill.

11. Currently, the Centers for Disease Control and Prevention (CDC) recognize two species, which are divided into six subspecies. These subspecies are divided into over 50 serogroups based on somatic (O) antigens present.

12. The most common Salmonella serogroups are A, B, C, D, E, F, and G. Serogroups are further divided into over 2,500 serotypes. Salmonella serotypes are typically identified through a series of tests of antigenic formulas listed in a document called the Kauffmann-White Scheme published by the World Health Organization Collaborating Centre for Reference and Research on Salmonella.

13. Salmonella bacteria are typically transmitted to humans by food or water contaminated

with feces. Such foods usually look and smell normal. Nothing about the products look, taste, or smell would warn a consumer that it was contaminated with Salmonella bacteria.

14. After exposure, Salmonella bacteria travel to the lumen of the small intestines, then penetrate the epithelium, multiply, and enter the blood. This infection process—also referred to as the incubation period—usually takes 6 to 72 hours for the onset of symptoms.

15. The acute symptoms of Salmonella gastroenteritis (or Salmonellosis) include nausea, vomiting, diarrhea, fever, abdominal cramping and/or stomach pain, headache, dysuria, muscle pain, fatigue, and dehydration.

16. Doctors typically treat the symptoms of Salmonellosis with anti-nausea or anti-diarrhea medications. Some physicians may prescribe antibiotics. Severe cases may require intravenous fluids for treatment of dehydration, usually in an emergency room or urgent-care setting.

17. Salmonella infections may also cause long-term side-effects, such as Reactive Arthritis (RA), Septicemia, Bacteremia, chronic gallbladder infection, and Irritable Bowel Syndrome (IBS) can develop, requiring extensive ongoing medical treatment and care. The elderly, infants, and those with compromised immune systems are more likely to experience severe illness and long-term complications from exposure to Salmonella bacteria. Salmonella infections can be fatal.

Ryan Camire's Consumption of Los Amigo's Products and *Salmonella* Infection.

18. On or about, May 15, 2023, before becoming ill, Ryan Camire ate at Los Amigos' Brighton restaurant. At Los Amigos' Brighton restaurant, Ryan bought food manufactured, prepared, distributed, and/or sold by Los Amigos. The food products, manufactured, prepared, distributed, and/or sold by Los Amigos were contaminated with *Salmonella*.

19. On or about May 16, 2023, Ryan developed fever, watery diarrhea, and abdominal pain. Ryan sought medical treatment for his severe symptoms.

20. Ryan was ultimately diagnosed with *Salmonella* food poisoning.

21. Ryan continues to recover and faces uncertain future medical complications and expenses.

CAUSES OF ACTION

COUNT I: STRICT PRODUCT LIABILITY

22. Plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each of these paragraphs were set forth here in its entirety.

23. Defendant manufactured, prepared, distributed, and/or sold the adulterated food products that injured Plaintiff.

24. Defendant manufactured and prepared a food product for sale to the public.

25. Food that is contaminated by *Salmonella* is unsafe when put to the reasonably foreseeable use considering the nature of the product. Specifically, *Salmonella* contaminated food is unfit for human consumption.

26. The food products that Plaintiff purchased and consumed were contaminated with *Salmonella* when they left the control of Defendant. Ryan's consumption of the contaminated food caused him to become infected by *Salmonella* and to suffer serious injuries as a direct and proximate result of that consumption.

27. Defendant is strictly liable to Plaintiff for the harm proximately caused by the manufacture and sale of an unsafe and defective food product.

COUNT II: NEGLIGENCE

28. Plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each of these paragraphs were set forth here in its entirety.

29. Defendant prepared, manufactured, prepared, distributed, and/or sold food products that were contaminated with *Salmonella*, a deadly pathogen.

30. Defendant owed a duty to all persons who purchased and consumed its products, including Plaintiff, to manufacture, prepare, and sell food products that were safe to eat, that were not adulterated with deadly pathogens, like *Salmonella*, and that were not in violation of the standard of care in proper food handling and preparation. Defendants breached this duty.

31. Defendant owed a duty to all persons who purchased and consumed its products, including Plaintiff, to ensure that any representations regarding the certifications its products had undergone prior to distribution and sale were made with reasonable care. Defendant breached this duty.

32. Defendant had a duty to comply with all statutes, laws, regulations, or safety codes pertaining to the manufacture, preparation, distribution, storage, and sale of its food products, but failed to do so, and were, therefore, negligent. Plaintiff was among the class of persons designed to be protected by these statutes, laws, regulations, safety codes, or provision pertaining to the preparation, manufacture, preparation, distribution, storage, and sale of similar food products.

33. Defendant breached the duties owed to the ultimate consumers of their food products by committing acts and omissions of negligence, including, but not limited to the following:

a. Failed to adequately maintain or monitor the sanitary conditions of its products, premises, equipment and employees, and the products, premises, equipment, and employees of other entities in the supply chain of the subject food products;

b. Failed to properly operate its facilities and equipment in a safe, clean, and sanitary manner;

c. Failed to apply its food safety policies and procedures to ensure the safety and sanitary conditions of its food products, premises, and employees;

d. Failed to apply food safety policies and procedures that met industry standards for the safe and sanitary production of food products, and the safety and sanitary condition of its premises

and employees;

- e. Failed to prevent the transmission of *Salmonella* to consumers of its food products;
- f. Failed to properly train its employees and agents how to prevent the transmission of *Salmonella* on its premises, from its facility or equipment, or in its food products;
- g. Failed to properly supervise its employees and agents to prevent the transmission of *Salmonella* on its premises, from its facility or equipment, or in its food products.
- h. Failed to test its ingredients and food products for microbial pathogens, like *Salmonella*;
- i. Failed to properly source the ingredients for its food products to reasonably ensure that they were not adulterated with *Salmonella*;
- j. Failed to warn customers, including Plaintiff regarding the presence of *Salmonella* in its food products.

34. Plaintiff's injuries proximately and directly resulted from the negligence of Defendant, and from Defendant's violations of statutes, laws, regulations, and safety codes pertaining to the manufacture, preparation, distribution, storage, and sale of food.

COUNT III: BREACH OF IMPLIED AND EXPRESS WARRANTIES

35. Plaintiff incorporates the preceding paragraphs of this Complaint, by this reference, as if each of these paragraphs were set forth here in its entirety.

36. Plaintiff, was a person whom Defendant could reasonably have expected to consume Defendant's food products within the meaning of Mass. Gen. Laws c. 160, art. 2, §§2-314, 2-314, 2-315 and 2-318.

37. Defendant expressly and impliedly warranted that their food products described above were merchantable, safe, and fit for their ordinary purposes, and the particular purposes and

requirements of Plaintiff.

38. Defendant had reason to know of the particular purpose for which their food products would be consumed.

39. Plaintiff relied upon Defendant's skill or judgment in selecting suitable food products for safe use, sale, and eventual consumption by Plaintiff.

40. Defendant breached these warranties, in that the food products they sold were not merchantable, safe, suitable, or fit for their ordinary or particular purposes.

41. As a direct and proximate result of Defendant's breach of warranties, Plaintiff suffered injuries and great loss. Plaintiff suffered serious personal injuries, endured great physical pain and suffering, severe mental anguish and distress, and was prevented from transacting his own business. He incurred substantial medical expenses in connection with his injuries.

42. By offering food products for sale to the public, Defendant expressly and/or impliedly warranted that such food products were safe to eat, were not adulterated with a deadly and dangerous pathogen, and that the food products had been safely prepared under sanitary conditions.

43. Defendant breached their implied and express warranties about the food they manufactured, prepared, and sold to Plaintiff, which was consumed by Plaintiff, causing Plaintiff's injuries and losses.

44. Plaintiff's injuries proximately and directly resulted from Defendant's breach of their implied and express warranties, and Plaintiff is thus entitled to recover for all actual, consequential, and incidental damages that flow directly and in a foreseeable fashion from these breaches.

DAMAGES

45. The conduct of Defendant, Los Amigos, as alleged above, was a direct, proximate, and producing cause of the damages Ryan suffered and continues to suffer from eating Defendant's

Salmonella -contaminated food products. Theses damages include, but are not limited to:

- a. Ryan's development of *Salmonella* food poisoning;
- b. The conscious physical pain and suffering and mental anguish sustained by Ryan in the past and that he will likely suffer in the future;
- c. The physical impairment suffered by Ryan in the past and will likely suffer in the future;
- d. Reasonable and necessary medical expenses incurred by Ryan in the past and will likely suffer in the future; and
- e. Ryan's lost earnings and net accumulations in the past and those he will likely suffer in the future.

46. Plaintiff filed suit within three (3) years of the date of discovering Plaintiff's *Salmonella* - food poisoning was caused by Los Amigos' *Salmonella* -contaminated food products.

WHEREFORE, PREMISES CONSIDERED, Plaintiff demands judgment against Defendant for general damages, including, but not limited to, compensatory damages, for costs expended herein, for interest on said judgment from the date this action accrued until paid, at the legal rate, and for such other and further relief, both at law and in equity, to which Plaintiff may show himself justly entitled.

DEMAND FOR TRIAL BY JURY

Plaintiff demands a trial by jury on each claim asserted or hereafter asserted by the Plaintiff
and on each defense asserted or hereafter asserted by Defendant.

Dated: May 22, 2023.

Respectfully submitted,

By: 

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