

Product Liability & Toxics Law

Panera, Lettuce Distributors Settle E. Coli Poisoning Claims

By Peter Hayes

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- Suit stems from purchase of salad in March 2018
 - Plaintiff hospitalized for weeks, given multiple transfusions
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Panera LLC and two produce distributors reached an agreement to dismiss a New Jersey woman's suit alleging injuries from exposure to E. coli in romaine lettuce served at a Panera restaurant in 2018, according to a filing Tuesday in the District of New Jersey.

The stipulation filed in the U.S. District Court for the District of New Jersey includes no details of the agreement.

In addition to Panera, the complaint named as defendants Fresh Unlimited Inc., doing business as Freshway Foods, and Food Service Partners Inc., doing business as Andrew Smith Co. LLC, alleging they manufactured, processed, distributed, and sold the adulterated lettuce.

Attorney Scott A. Harford in New York, one of the attorneys representing plaintiff Nancy Cullinan, said "the matter was resolved by mutual agreement before trial." Counsel for Andrew Smith Co. declined to comment. Counsel for Panera and

Freshway Foods didn't immediately respond to request for comment.

The complaint alleged Cullinan visited the Panera Bread store in Raritan, N.J., on March 20, 2018, where she purchased and consumed a salad containing romaine lettuce.

The salad contained E. coli-contaminated lettuce sold to Panera by Freshway and to Freshway by Andrew Smith Co., which grew and distributed the product, the complaint alleged.

Cullinan started feeling ill on March 24 and on March 27 she began bleeding out, according to the complaint.

She was hospitalized for more than two weeks until April 12, 2018, and was diagnosed with Hemolytic Uremic Syndrome, caused by the E. coli, and required multiple blood transfusions and other invasive and painful medical treatments, the complaint alleged.

Judge Peter G. Sheridan was assigned to the case.

Pritzker Hageman PA also represents Cullinan. Daivs Wright Tremaine LLP and Law Office of James H. Rohlring represent Panera. Faegre Drinker Biddle & Reath LLP represents Freshway Foods. Wood Smith Henning & Berman LLP represents Andrew Smith Co. White & Williams LLP and the Law Offices of Gerald F. Stachan represent third-party defendant D' Arrigo Bros. Co.

The case is Cullinan v. Panera LLC, D.N.J., No. 20-cv-01841, 8/3/21.

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