

**Settlement Serves Up \$370,000 To Food Poisoning Victims**  
*Connecticut Law Tribune*  
Monday, April 09, 2012  
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**Plaintiffs attorneys, from left, Anthony Bonadies, Jonathan Spodnick and John Naizby said their lawsuit on behalf of food poisoning victims was hindered by a state law that prevented them from introducing the results of a state health department investigation into evidence.**

## **Settlement Serves Up \$370,000 To Food Poisoning Victims**

Utility company employees got sick after catered luncheon

By CHRISTIAN NOLAN

***Merlin Sutton, et al. vs. Soul for Real LLC, d/b/a Sandra's Place:*** A dozen workers at a New Haven business who all contracted food poisoning within 90 minutes of a corporate luncheon recently collected \$370,000 in a post-trial settlement.

In August 2006, the United Illuminating Co., the New Haven-based electric distribution company, held a luncheon for two of its customer service employees — Carol Jones and Delphine Blakely — who had worked there for more than 25 years.

The African-American pair decided to pick some place “different” for the luncheon and decided on “soul food,” according to their lawyers. So the customer service employees who manned a call center on Church Street in New Haven went to Sandra’s Place restaurant, also in New Haven.

“Ninety minutes after the luncheon people got extremely sick,” said one of the lawyers, Anthony Bonadies of the Bonadies Law Firm in Hamden. “They were vomiting right at their desks. People were throwing up in their waste paper buckets.”

Bonadies said the entire call center was shut down for a time that day as 19 workers became very ill and were hospitalized. In all, 29 people developed symptoms. At one point that afternoon ambulances were lined up outside to take the group to the hospital. One of the workers who had diabetes needed to be hospitalized overnight.

Bonadies said some of the employees were taken to Yale-New Haven Hospital and others to the Hospital of Saint Raphael. He said doctors all diagnosed the group with food poisoning.

Within 48 to 72 hours, the patients’ symptoms began to subside. Bonadies said the luncheon was on a Wednesday afternoon and all but a few returned to work by the following Monday.

Bonadies said the state Department of Public Health investigated the food poisoning at the restaurant and eventually determined that the barbecued pork was the culprit. The roughly 20 or so people who did not eat the pork did not get sick, Bonadies said. “Innocent people were needlessly poisoned, and if basic rules of cleanliness and meat handling were followed this would’ve never happened,” the attorney said.

Bonadies said the investigation revealed that the food was not heated at proper temperatures. Bonadies said the restaurant had failed six out of eight previous health inspections.

Bonadies, along with attorneys John Naizby and Jonathan “Jon” Spodnick, sued the restaurant and its ownership on behalf of 12 of the employees who were taken to the hospital with food poisoning. Bonadies said seven of the workers taken to the hospital that day declined to pursue a lawsuit.

The lawyers, however, had a considerable setback in their pursuit of damages. They explained that even though the state Department of Health issued a report on the incident, Connecticut law does not allow such incident reports to be admitted into evidence as part of a lawsuit against the food preparer. All evidence of interviews with the food preparers as part of the state probe was also disallowed.

“We are one of the only states that prevents this vital information from reaching the hands of the people actually harmed, which makes no logical sense,” said Spodnick, whose office is in Trumbull. “California, for instance, discloses all information to the public, which makes for safer food, since health investigations can be accessed to hold wrongdoers accountable.”

To get past this obstacle, the plaintiffs attorneys hired Dr. Robert Ryder, a well-known food safety expert witness. Ryder has worked with the Centers for Disease Control and Prevention and has been a faculty member at the University of North Carolina at Chapel Hill and is currently at the University of California, San Diego.

During a December trial in New Haven Superior Court, Ryder testified that the employees attending the luncheon contracted food poisoning and not another illness from a different source. Because the state health report was not allowed at trial, the lawyers had to rule out other illnesses that often affect groups. Ryder

testified that the illness was not a norovirus, which often spreads on cruise ships, where people contract the bacteria from each other.

The lawyers also had to establish how the food was transferred by the caterer to the luncheon facility so as to demonstrate it could not have been tampered with prior to serving.

After nine days of testimony before Judge Matthew Frechette and jury deliberations of about 2 1/2 hours, the jurors awarded the 12 plaintiffs \$231,000. Also, in finding the restaurant served food unfit for human consumption, the jurors offered the possibility of additional punitive damages for the restaurant's reckless disregard for the plaintiffs' safety.

The restaurant was represented by attorney Frank J. Szilagyi, of Szilagyi & Daly in Hartford. Szilagyi could not be reached for comment late last week.

Bonadies explained that rather than go to a separate hearing before a judge regarding punitive damages, the two sides met with Judge Jonathan Silbert and came to a settlement of \$370,000. Bonadies said the post-trial settlement figure factored in possible punitive damages, attorneys' fees and interest.

Meanwhile, the lawyers plan to lobby lawmakers in the coming year to change laws that prevent health department reports from being used in a lawsuit. That roadblock alone curtails some lawsuits, they said. The defense in this case, prior to trial, offered the dozen plaintiffs just \$30,000 to settle.

**"In Connecticut, since the insurance companies know the health reports are not admissible, they take extremely unreasonable positions on liability, knowing that the truth revealed by the health department will never see the light of day, and will never make it into court," said Naizby, of the Marcarelli-Naizby Law Firm in Madison. "It's also counterintuitive to protect the wrong doers and leave the victims without redress based on old and outdated health department regulations and laws," Naizby added.●**