

16

METRO

# Restaurant sues over lost spinach

**Glenview eatery  
tosses \$40 in food  
after outbreak**

BY ERIC HERMAN  
*Staff Reporter*

In what could be the first in a bumper crop of class-action lawsuits, a Glenview restaurant sued a California food company over spinach possibly tainted with E. coli.

G&G Restaurant Corp., owner of Hamilton's Restaurant in Glenview, filed the suit in Cook County Circuit Court on Monday. Unlike other actions filed in the latest outbreak, the lawsuit does not allege physical harm but seeks only compensation for money spent on spinach that had to be discarded.

"We want to ensure that this will not happen again. We're a restaurant, and we're well-known for our fresh products," said George Gregousis, who owns Hamilton's.

The suit's defendant is Natural Selection Foods, a San

Juan Bautista, Calif.-based company that sells prepackaged spinach under the Earthbound Farm brand. Federal authorities have identified Natural Selection as a possible source of the E. coli outbreak.

## 114 cases nationwide

On Thursday, the Food and Drug Administration advised consumers not to eat bagged fresh spinach. Natural Selection issued a recall for all the spinach it packages that has "Best if Used by Dates" of Aug. 17 through Oct. 1. In addition to its own brand, Natural Selection packs spinach for Dole, Trader Joe's, President's Choice and other brands.

The strain of E. coli linked to the tainted spinach can cause diarrhea, and in some cases kidney failure. In the latest outbreak, 114 cases have

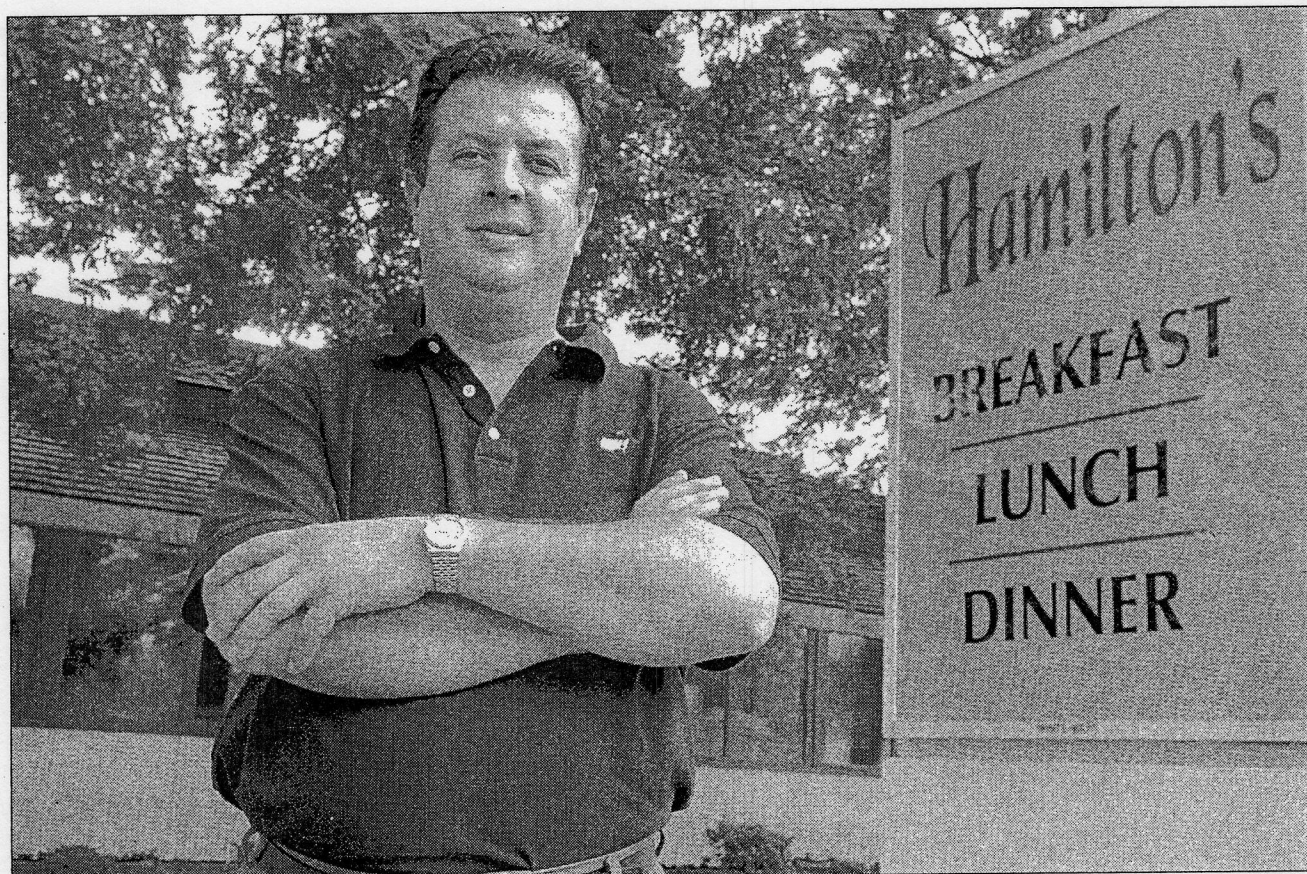
**"We want to ensure  
that this will not  
happen again."**

**GEORGE GREGOUSIS**  
Restaurant owner suing  
over tainted spinach

been reported nationwide, with one death in Wisconsin.

Gregousis threw out \$40 worth of spinach when he heard about the outbreak. His restaurant has stopped serving spinach salad and omelettes, he said. While he acknowledges \$40 is not much





**George Gregousis, who owns Hamilton's Restaurant in Glenview, filed a class-action lawsuit against a California-based food company on Monday.** —TOM CRUZE/SUN-TIMES

money, "It's a lot of people that lost \$40," he said.

Class-action suits allow numerous plaintiffs with relatively small claims to band together to seek redress.

### 3 personal injury suits filed

"All we're seeking is the price that you paid for that spinach, which makes this well-suited for a class action," said Gregousis' lawyer, Tom Zimmerman.

Natural Selection executives could not be reached. Last week, Chief Operating Officer Charles Sweat said in a statement, "Quality and food safety have been the centerpiece of our business, and we pride ourselves on the high standards we have set."

A Seattle law firm has filed three personal injury lawsuits on behalf of alleged victims of the outbreak.

[eherman@suntimes.com](mailto:eherman@suntimes.com)

## State confirms 1st illness from outbreak

An elderly woman has been hospitalized with kidney failure related to eating tainted spinach, marking the first confirmed illness in Illinois linked to an outbreak of *E. coli* in the vegetable, state public health officials said Monday.

The woman, who lives in north-central Illinois, became ill in August and is now hospitalized with hemolytic uremic syndrome, a form of kidney failure that can be associated with the strain of *E. coli* linked to the tainted spinach, the Illinois Department of Public Health said.

Residents are being ad-

vised to stay away from spinach and products containing spinach.

"Anyone who thinks they may have experienced symptoms of illness after eating fresh spinach or products containing spinach are urged to contact their health care provider and local health department," said Dr. Eric E. Whitaker, the state's public health director.

### Products thrown away

The LaSalle County Public Health Department said state public health officials confirmed Monday that a woman in the area tested positive for the strain of *E.*

*coli* linked to the bad spinach.

Jenny Barrie, a spokeswoman for the county's health department, could provide no other information about the woman but said officials have asked local hospitals to be on the lookout for other possible cases. Area grocery stores and restaurants have also been told to throw away spinach products, she added.

Federal health officials said Monday they were continuing to search for the source of the contamination, which has killed at least one person and sickened more than 100 others across the nation.

AP