

**IN THE COURT OF COMMON PLEAS
MAHONING COUNTY, OHIO**

DAVID OTT
1472 Shamburger Road
Gilmer, TX 75645

Plaintiff,

vs.

TACO BELL CORP.
1 Glen Bell Way
Irving, CA 92618

Also serve at:
CT Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219

and

**TAYLOR FRESH FOODS, INC. dba
Taylor Farms**
150 Main Street, Suite 400
Salinas, CA 93901

and

**CHARTER FOODS INC., dba TACO
BELL #027999**
850 N. Canfield Niles Road
Youngstown, OH 44515

Also serve at:
Corporation Service Company
1160 Dublin Road, Suite 400
Columbus, Ohio 43215

Defendants.

) **CASE NO.:**

) **JUDGE:**

) **COMPLAINT**

) **(Jury Demand Endorsed Hereon)**

Plaintiff David Ott, by and through undersigned counsel, submits the following Complaint against Defendants, Taco Bell Corp., Taylor Fresh Foods Inc. dba Taylor Farms, and Charter Foods Inc., dba Taco Bell #027999 and alleges the following:

I. INTRODUCTION

1. This is a civil action to redress the serious and permanent injuries sustained by

Plaintiff David Ott.

II. PARTIES

2. Plaintiff David Ott resides at 1472 Shamburger Road, Gilmer, TX 75645.

3. Defendant Taco Bell Corp. (hereinafter “Taco Bell”) is a California Foreign Profit Corporation, with its principal place of business located at 1 Glen Bell Way, Irvine, California, duly operating under the laws of the state of Ohio (Entity No. 356404) that owns, operates, or franchises a Taco Bell restaurant located at 850 N. Canfield Niles Road, in Youngstown, Ohio.

4. Defendant Taylor Fresh Foods, Inc. dba Taylor Farms (hereinafter “Taylor Farms” or “Defendant”) is a California corporation. It may be served through its registered agent, Bruce Taylor, 150 Main Street, Suite 400, Salinas, CA 93901.

5. Defendant Charter Foods, Inc. dba Taco Bell #027999 (“hereinafter “Store” or “Defendant”) is a Tennessee Foreign Corporation duly operating under the laws of the state of Ohio (Entity No. 1076491) that operates Taco Bell #027999, located at 850 N. Canfield Niles Road, in Youngstown, Ohio.

III. JURISDICTION & VENUE

6. This Court has personal jurisdiction over Defendants pursuant to Ohio Rev. Code § 2307.382 because Defendants sell and distribute products in Mahoning County, Ohio, specifically at Taco Bell #027999, located at 850 N. Canfield Niles Road, in Youngstown, Ohio, where Plaintiff consumed food contaminated with cyclospora.

7. Venue is proper in this Court pursuant to Ohio Civ. R. 3(C)(3) because one or more Defendants conducted the activities set forth in greater detail herein which give rise to Plaintiff’s claims for relief occurred in Mahoning County, Ohio.

8. Plaintiff seeks damages in excess of this Court’s jurisdictional limits.

IV. GENERAL ALLEGATIONS

About the Parasite Cyclospora

9. Cyclospora cayetanensis (hereinafter “cyclospora”) is a parasite composed of a single cell too small to be seen without a microscope. This parasite causes an intestinal infection called cyclosporiasis.

10. Cyclospora is spread when people ingest something - such as food or water - that is contaminated with feces (stool). People living or traveling in tropical or subtropical regions of the world may be at increased risk for infection because cyclosporiasis is endemic to those regions. In the United States, foodborne outbreaks of cyclosporiasis are relatively rare, and in the past have been linked to various types of imported fresh produce, including fruits, and vegetables.

11. The incubation period, i.e. the time between consumption of food contaminated with cyclospora and the onset of symptoms of cyclosporiasis, is typically between 2 and 14 days, though it can vary greatly. Cyclospora infects the small intestine (bowel) and usually causes watery diarrhea, with frequent, sometimes explosive, bowel movements. Other common symptoms include loss of appetite, weight loss, stomach cramps/pain, bloating, increased gas, nausea, and fatigue. Vomiting, body aches, headache, fever, and other flu-like symptoms are also relatively common.

12. If not treated, the illness often lasts for months. Symptoms may also seem to go away and then return one or more times during infection. It is common for a victim of cyclospora poisoning to suffer chronic fatigue.

Health Officials Link National Cyclospora Outbreak to Taylor Farms Lettuce Served at Taco Bell locations

13. A large outbreak of cyclosporiasis - a parasitic intestinal illness that causes prolonged, watery diarrhea - has been building across the United States since early May of 2026.

14. Nearly 7,000 victims have tested positive for cyclospora since May 1, 2026, according to CDC data, with at least 141 hospitalized.

15. On July 16, 2026, health officials identified a suspected source as a cause of the outbreak - shredded iceberg lettuce supplied to Taco Bell by Taylor Farms.

16. According to a source named by national media outlets, including CNN and The Washington Post, the FDA's traceback investigation identified a single supplier of iceberg lettuce grown in Mexico - Taylor Farms - used by Taco Bell locations in the states where affected people had eaten.

17. The link emerged from hundreds of case interviews with victims. One person familiar with the probe said a large share of those sickened had eaten at Taco Bell, and lettuce repeatedly came up as a shared menu item. When the FDA asked Taco Bell where it sourced the lettuce, the answer was Taylor Farms. Michigan officials, who have logged the most cases, have said lettuce is the leading suspect based on interviews with more than 1,000 patients.

18. Geographically, the lettuce-linked outbreak is considered a regional one centered in the Midwest, with as many as 5000 associated cases identified across four states - Michigan, Ohio, West Virginia, and Kentucky. Michigan alone has more than 4,300 confirmed victims in the outbreak.

19. Taco Bell has responded cautiously, claiming it took immediate action to voluntarily remove potentially impacted lettuce from a supplier in select states out of an abundance of caution, and that the affected ingredient is being indefinitely removed from its supply chain nationwide and replaced in select states.

20. Taco Bell's lettuce supplier, Taylor Farms, has been linked to cyclospora outbreaks before. In 2013, a salad mix tainted with cyclospora produced by Taylor Farms sickened 631

people across 25 states. The salad mix was eventually traced to a Taylor Farms processing plant in Mexico - with many victims having consumed the salad mix at Olive Garden and Red Lobster locations.

21. Taco Bell is also no stranger to national foodborne illness outbreaks.

1993 – A Taco Bell in Syracuse, NY was temporarily closed after at least 11 confirmed cases of Salmonella poisoning among people who visited the restaurant between June 14 and 19. The company called it an isolated incident and replaced the restaurant's food supply.

2006 – Taco Bell's most damaging outbreak reputation-wise: an E. coli O157:H7 outbreak linked Taco Bell restaurants in four Northeastern states, sickening 71 people across five states, with 52 confirmed by the CDC via a matching E. coli strain.

2010 – Two concurrent multistate Salmonella outbreaks (serotypes Baildon and Hartford) were linked to Taco Bell restaurants, ultimately sickening 155 people across 21 states.

2011–2012 – Taco Bell was linked to a third Salmonella outbreak, sickening 73 people across 10 states, including 19 hospitalizations.

2018 – A Taco Bell employee at a Corning, Arkansas store tested positive for hepatitis A, prompting a health advisory for anyone who'd eaten at that store in the prior two weeks.

Plaintiff David Ott's Cyclospora Illness

22. On June 18th and 20th, 2026, Plaintiff David Ott, a 27-year veteran of the U.S. Army, purchased Taco Supremes from Taco Bell #027999, located at 850 N. Canfield Niles Road, in Youngstown, Ohio.

23. Unfortunately, by the morning of June 22nd, Plaintiff began experiencing excruciating abdominal pain, horrible gas, diarrhea, a constant urge to vomit, low grade fever, dizziness, nausea and headaches.

24. When Plaintiff's symptoms continued to worsen, he presented to Christus Good Shepherd Medical Center, where he was triaged and admitted. He underwent a coloscopy, CT,

and extensive blood and stool studies. While the pain medication and anti-nausea medication helped, most of the blood and stool labs were largely unremarkable. The medical staff was perplexed but finally decided to test for cyclospora. The test returned positive.

25. Plaintiff was finally discharged after two days in the hospital to home care, and received a prescription for Bactrim, a sulfa antibiotic. .

26. Plaintiff continues to seek medical attention and is recuperating at home. In addition to medical bills, Plaintiff lost much of his vacation time and suffered significant wage losses.

V. CLAIMS ALLEGED

FIRST CAUSE OF ACTION **(Statutory Products Liability)**

27. Plaintiff restates all the foregoing allegations as if fully rewritten herein.

28. The food sold to Plaintiff by Defendants, i.e. "food product" and any and all components of the food product involved in these injuries was/were a "product" within the meaning and scope of Ohio Revised Code, § 2707.71(A)(12)(a) and Defendants were the entities responsible for the design and formulation of the product and are "manufacturers" as that term is defined in Ohio Revised Code, § 2307.71(A)(9).

29. The food product was defective in manufacture or construction pursuant to Ohio Revised Code, § 2307.74.

30. The food product was defective in design or formulation pursuant to Ohio Revised Code, § 2307.75.

31. The food product was defective due to inadequate warning or instruction pursuant to Ohio Revised Code, § 2307.76.

32. The food product was defective because it did not conform to representations

pursuant to Ohio Revised Code, § 2307.77.

33. As a direct and proximate result of these defects, Plaintiff suffered the injuries and damages set forth herein.

34. Plaintiff's injuries and damages were the result of Defendants' misconduct that manifested a flagrant disregard of the safety of persons who might be harmed by the product in question.

35. Defendants' misconduct was a direct, proximate, and producing cause of Plaintiff's injuries and damages set forth below.

36. Defendants are therefore liable for manufacturing, distributing, and marketing defective and unreasonably dangerous products and introducing them into the stream of commerce.

WHEREFORE, Plaintiff demands judgment in excess of \$25,000.00 against Defendants for an award of compensatory damages in an amount to be determined by a jury exclusive of interest and costs, an award of punitive damages, prejudgment and post judgment interest, delay damages and costs, reasonable attorneys' fees, and such other and further relief that the Court deems reasonable and just.

SECOND CAUSE OF ACTION
(Supplier Liability)

37. Plaintiff restates all the foregoing allegations as if fully rewritten herein.

38. Defendants were "suppliers" as defined by *Ohio Revised Code*, § 2307.71(A)(1-5).

39. Defendants were negligent as the food product did not conform to representations pursuant to *Ohio Revised Code*, § 2307.78(A).

40. Defendants are otherwise liable as manufacturers pursuant to *Ohio Revised Code*, § 2307.78(B).

41. As a direct and proximate result of Defendants' misconduct and negligence and/or

the food product's failure to conform to representations of the Defendants, Plaintiff suffered the injuries and damages set forth herein.

42. Plaintiff's injuries and damages were the result of misconduct of the Defendants that manifested a flagrant disregard of the safety of persons who might be harmed by the product in question.

WHEREFORE, Plaintiff demands judgment in excess of \$25,000.00 against Defendants for an award of compensatory damages in an amount to be determined by a jury exclusive of interest and costs, an award of punitive damages, prejudgment and post judgment interest, delay damages and costs, reasonable attorneys' fees, and such other and further relief that the Court deems reasonable and just.

THIRD CAUSE OF ACTION
(Strict Products Liability)

43. Plaintiff restates all the foregoing allegations as if fully rewritten herein.

44. At all times, Defendants were in the business of manufacturing, distributing, and marketing its food (hereinafter "products").

45. There was a manufacturing defect in the products when they left Defendants' possession and control. The products were defective because they contained cyclospora. The presence of cyclospora was a condition of the products that rendered them unreasonably dangerous.

46. There was a marketing defect in the products when they left Defendants' possession and control. The products were defective because they contained cyclospora, and Defendants failed to give adequate warnings of the products' dangers that were known or by the application of reasonably developed human skill and foresight should have been known. Defendants also failed to give adequate warnings and instructions to avoid such dangers. Defendants' failure to

provide such warnings and instructions rendered the products unreasonably dangerous.

47. Defendants' conduct was a direct, proximate, and producing cause of Plaintiff's injuries and damages set forth below.

48. Defendants are therefore strictly liable for manufacturing, distributing, and marketing defective and unreasonably dangerous products and introducing them into the stream of commerce.

WHEREFORE, Plaintiff demands judgment in excess of \$25,000.00 against Defendants for an award of compensatory damages in an amount to be determined by a jury exclusive of interest and costs, an award of punitive damages, prejudgment and post judgment interest, delay damages and costs, reasonable attorneys' fees, and such other and further relief that the Court deems reasonable and just.

FOURTH CAUSE OF ACTION
(Negligence and Negligence Per Se)

49. Plaintiff restates all the foregoing allegations as if fully rewritten herein.

50. Defendants owed Plaintiff a duty of ordinary care in the manufacture, preparation, testing, packaging, marketing, storing, holding, distribution, and selling of the products in question. Further, Defendants owed Plaintiff the duty of warning or instructing Plaintiff of potentially hazardous or life-threatening conditions with respect to the products.

51. Defendants breached its duty in one or more of at least the following ways:

- a. negligently manufacturing, preparing, distributing, and marketing the products;
- b. failing to properly test the products before placing them into the stream of commerce;
- c. failing to prevent human, insect, parasitic, bacterial, and/or animal feces

- from coming into contact with the products;
- d. failing to store, package, hold, or prepare the products or their ingredients in a manner to prevent them from becoming contaminated with filth which could render them injurious to health;
 - e. failing to adequately monitor the safety and sanitary conditions of its premises;
 - f. failing to apply their own policies and procedures to ensure the safety and sanitary conditions of its premises;
 - g. failing to adopt and/or follow recommended good manufacturing practices;
 - h. failing to take reasonable measures to prevent the transmission of cyclospora and related filth and adulteration from its premises;
 - i. failing to properly train and supervise their employees and agents to prevent the transmission of cyclospora and related filth and adulteration from its premises;
 - j. failing to warn Plaintiff and the general public of the dangerous propensities of the products, particularly that they were contaminated with cyclospora, despite knowing or having reason to know of such dangers; and
 - k. failing to timely disclose post-sale information concerning the dangers associated with the products.

52. Furthermore, Defendants failed in their affirmative duty to comply with all applicable health regulations, including the FDA's Good Manufacturing Practices Regulations, 21 C.F.R. part 110, subparts (A)-(G), and all statutory and regulatory provisions that applied to the manufacture, distribution, storage, and/or sale of the products or their ingredients, including but

not limited to, the *Federal Food, Drug, and Cosmetics Act*, § 402(a), as codified at 21 U.S.C. § 342(a), which bans the manufacture, sale and distribution of any “adulterated” food, and the similar provision in the *Ohio Revised Code*, § 3715.52, *et. seq.*, and *Ohio’s Uniform Food Safety Code*, *Ohio Administrative Code*, § 3717-1, *et. seq.*, including at 3717-1-03, which states “Food shall be Safe, unadulterated, and . . . honestly presented.” Plaintiff is a member of the classes sought to be protected by the regulations and statutes identified above.

53. Defendants’ conduct was a direct, proximate, and producing cause of Plaintiff’s injuries and damages set forth below.

54. All dangers associated with the products were reasonably foreseeable and/or scientifically discoverable by Defendants at the time Defendants placed the products into the stream of commerce.

55. All dangers associated with the contaminated products were reasonably foreseeable and/or scientifically discoverable by Defendants at the time Defendants placed the products into the stream of commerce.

WHEREFORE, Plaintiff demands judgment in excess of \$25,000.00 against Defendants for an award of compensatory damages in an amount to be determined by a jury exclusive of interest and costs, an award of punitive damages, prejudgment and post judgment interest, delay damages and costs, reasonable attorneys’ fees, and such other and further relief that the Court deems reasonable and just.

FIFTH CAUSE OF ACTION
(Breach of Implied Warranties)

56. Plaintiff restates all the foregoing allegations as if fully rewritten herein.

57. Defendants are merchants who produce, manufacture, distribute, and market products to consumers. Plaintiff is a consumer.

58. Defendants breached the implied warranty of merchantability by impliedly warranting that its products were of merchantable quality and fit for human consumption when they were not due to the conditions under which they were prepared, packaged, and held and due to the presence of cyclospora. Plaintiff reasonably relied upon Defendants' skill and judgment as to whether the products were of merchantable quality and fit for human consumption.

59. Defendants breached the implied warranty of fitness for a particular purpose, by holding out unreasonably dangerous products (i.e. products containing cyclospora) to the public as being safe when they knew or had reason to know that the products were not safe and that the public would consume the products.

60. Defendants did not disclaim these implied warranties.

61. Defendants' conduct was a direct, proximate, and producing cause of Plaintiff's injuries and damages set forth below.

WHEREFORE, Plaintiff demands judgment in excess of \$25,000.00 against Defendants for an award of compensatory damages in an amount to be determined by a jury exclusive of interest and costs, an award of punitive damages, prejudgment and post judgment interest, delay damages and costs, reasonable attorneys' fees, and such other and further relief that the Court deems reasonable and just.

VI. DAMAGES

62. Defendants' conduct was a direct, proximate, and producing cause of Plaintiff's injuries and damages, including but not limited to damages in the past and future for the following: pain and suffering, mental anguish, physical impairment, physical disfigurement, loss of enjoyment of life, medical and pharmaceutical expenses, travel and travel-related expenses, emotional distress, lost wages, lost earning capacity, loss of consortium, attorneys' fees (to the

extent recoverable) and other general, special, ordinary, incidental and consequential damages as would be anticipated to arise under the circumstances.

WHEREFORE, Plaintiff demands judgment in excess of \$25,000.00 against Defendants for an award of compensatory damages in an amount to be determined by a jury exclusive of interest and costs, an award of punitive damages, prejudgment and post judgment interest, delay damages and costs, reasonable attorneys' fees, and such other and further relief that the Court deems reasonable and just.

Respectfully submitted,

/s/ Mark A. DiCello

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Counsel for Plaintiff

* *Pro Hac Vice* Application forthcoming

JURY DEMAND

Plaintiffs demand a jury trial by the maximum number of jurors allowed.

/s/ Mark A. DiCello

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