

Lawsuits settled in three deaths linked to E. coli

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By Mary Engel – Los Angeles Times

The California farm that grew the spinach linked to last year's national E. coli outbreak, and the two companies that processed and marketed it, have settled lawsuits with the families of three women who died, two of whom had not been included in the official death toll.

The attorney for the three families said Mission Organics, Natural Selection Foods and the Dole Food Co. agreed late last month to confidential settlements in the deaths of Ruby Trautz, 81, of Bellevue, Neb.; Betty Howard, 83, of Richland, Wash.; and June Dunning, 86, of Hagerstown, Md.

The federal Centers for Disease Control reported that the September outbreak caused 205 illnesses and three deaths in 26 states and Canada. Trautz was included in the official death toll. Howard was counted as one of the illnesses. According to attorney Bill Marler, she died in early January after a lengthy hospitalization.

The CDC considered Dunning's death a "suspect case," because she had eaten from a bag of Dole spinach that was later part of the unprecedented recall and her stool tested positive for the toxic E. coli O157:H7. However, a Maryland laboratory lost the stool sample before it could perform a DNA "fingerprint test" to link her conclusively to the outbreak.

"Neither Mrs. Dunning nor Mrs. Howard were officially counted," Mahler said. "Frankly, I think they should be, if not for legal reasons than for moral reasons."

The other two confirmed deaths were of an elderly woman in Wisconsin and a 2-year-old in Idaho.

Attorneys could not be reached for comment Sunday.

The U.S. Food and Drug Administration and California's Department of Health Services concluded an investigation of the outbreak last month. They traced the contaminated spinach to a 50-acre field in San Benito County leased by Mission Organics and said the most likely source of the pathogen was water or wild pigs. The spinach was processed and bagged at the San Juan Bautista-based Natural Selection plant and sold under a Dole label.