



Tuesday January 28, 2014

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## The Houston Advocate

A government watchdog and consumer affairs blog with Cindy George

### Iguana Joe's settles boy's food poisoning case; 9 others sue

Posted on January 27, 2014 | By Cindy George



A judge on Monday awarded a settlement to the parents of a boy sickened by salmonella last summer at the Atascocita-area **Iguana Joe's** restaurant, according to Harris County District Clerk's records. (This post will be updated with more details as they become available.) The eatery was temporarily shut down by public health officials after complaints of illness among customers and the discovery of numerous public health violations. Nine additional plaintiffs also were announced Monday by Marler Clark, a Seattle-based law firm that specializes in food safety cases and represented Justin and Regina Kessler in the original lawsuit filed in July on behalf of their young son.



(Fotolia image)

Those new plaintiffs allege that they, too, fell ill after eating contaminated food purchased at the Iguana Joe's location on West Lake Houston Parkway in northeast Harris County.

The Kesslers' son became "fussy and suffered a loss of appetite" about three days after the family's June 18 visit to the restaurant, according to the original complaint. The lawsuit also states that he became ill with a fever and diarrhea. The child's pediatrician ordered a stool culture, which tested positive for salmonella.

**Harris County Public Health and Environmental Services** officials closed the eatery on June 25. Six inspections in the previous six weeks had unveiled numerous food safety violations. The **restaurant reopened in late July.**

New plaintiffs Cheryl McCormick, Jonas Garcia, Jonas Garcia Jr., Linda Arnold, Elaine Combs, Christopher McClaren, Gerry Phelps, Roger Poser and Janie Wilkins are asking the court to compensate them for physical pain and suffering, mental anguish, medical expenses, lost wages and physical impairment.

John C. Ramsey is the Houston-based lawyer representing the Kesslers as well as eight of the new plaintiffs. McCormick is represented by Wade Moriarty of Houston.

A trial is set for October.

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**MissingaMarble** Rank 213

Seems that since the County has taken charge of ensuring eateries' cleanliness, the County inspector, not the County itself, should be the sued and disgorgement should come from him rather than the restaurant or taxpayers. Disgorgement in the form of paying, not in the form as described in the article. Then, put the plaintiff attorneys involved in a pen somewhere.

1 hour ago 0 Likes

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The Kesslers' son became "fussy and suffered a loss of appetite" about three days after the family's June 18 visit to the restaurant, according to the original complaint.

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So what else did the little cash cow eat in that 3 days? Maybe some outdated milk at home that "just wasn't bad yet" or some eggs that "were still good"?

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@Proud\_Illusion

Yep, conveniently ignore the 'numerous health violations' that led up to those events.

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What day did this happen...I think I was there...

No, Really, I do...Honestly...

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Suing and winning a judgment is the only way to get some people's attention.

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**Creg123** Rank 1874

I almost felt sorry for the people who got sick. Then I read they have a lawyer and suing

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**eldicko** Rank 286

There's only one thing worse than diarrhea,and that's bloody diarrhea.

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Rank 4430

Geez, when I get food poisoning, I spend a couple of days throwing up and resting, then go back to work. What a bunch of wussy money-grabbers.

14 hours ago 6 Likes

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Welcome to the Chronicle's Houston Advocate blog, written by reporter Cindy George. The Advocate is the newspaper's consumer affairs and government watchdog column, with a mission to expose unfairness and help set things right for our readers.

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