

**COMMONWEALTH OF KENTUCKY
BOONE CIRCUIT COURT
CASE NO. _____**

**TRACI N. HALL
AND BRIAN HALL**
6589 Watson Lane
Florence, Kentucky 41042

PLAINTIFFS

vs.

FIRST WATCH RESTAURANTS, INC.
8027 Cooper Creek Blvd, Suite 103
University Park, Florida 34201

DEFENDANT

Serve: CT Corporation System
306 W. Main Street, Suite 512
Frankfort, Kentucky 40601

COMPLAINT

Traci Hall and Brian Hall (“Plaintiffs”), by and through counsel, and for their Complaint with Jury Demand against First Watch Restaurants, Inc. (“Defendant”), states as follows:

PARTIES

1. Traci Hall (“Traci”) and Brian Hall (“Brian”), husband and wife, are individuals who reside at 6589 Watson Lane, Florence, Kentucky 41042.

2. Defendant First Watch Restaurants, Inc. is a Delaware corporation with its principal place of business located at 8027 Cooper Creek Blvd, Suite 103, University Park, Florida 34201 (“First Watch”).

3. The events that gave rise to Plaintiffs' claims occurred at the First Watch Restaurant located in Florence, Kentucky.

BACKGROUND

4. In the early afternoon on June 11, 2017, Traci and her parents went to the First Watch Restaurant located at 7727 Mall Road, Florence, Kentucky 41042.

5. Brian and Traci were regular patrons of First Watch restaurants because of their focus on health and well-being and their belief that First Watch was committed to preparing fresh, healthy food.

6. As of June 11, 2017, Traci was six months pregnant with her first child.

7. Like most expectant mothers, throughout her pregnancy Traci focused on proper exercise and healthy eating, to do what was best for her child's healthy growth and development.

8. After finishing lunch at First Watch, Traci ordered a "to go" cup of green tea from their server ("Employee No. 1").

9. At her server's request, a young male busser ("Employee No. 2) disappeared into the kitchen and returned with a cup with a lid and straw that he gave to Traci.

10. Traci and her parents exited the restaurant and walked into the parking lot where Traci took a drink of what she believed to be green tea.

11. Immediately upon consuming her first drink of the liquid, Traci began to experience a painful burning sensation in her mouth and throat and the liquid had a horrible chemical taste.

12. Traci recognized immediately that what she had just consumed was not green tea, and she feared it was some kind of harmful chemical.

13. Traci spat out the remaining liquid in her mouth and then ran back into the restaurant to ask what she had been served.

14. Traci found Employee No. 1 and said "I just drank this and I need to know what was in the cup because it is not green tea."

15. The Employer No. 1 and Traci found Employee No. 2 and Employee No. 1 asked "where did you get this?"

16. Employee No. 1, Employee No. 2 and Traci walked into the kitchen to the area where drinks are refilled.

17. Employee No. 2 pointed to a spigot on the wall next to the drink refill station.

18. Another server in the area ("Employee No. 3") saw Employee No. 2 point at the spigot and said "That's degreaser!"

19. At this point, Traci was shaking and panicked, and trying to process what had just happened.

20. Employee No. 1 got Traci a drink of water and asked if she was feeling okay.

21. Traci asked someone to get the information about the degreaser off the packaging so she could find out what to do.

22. Someone obtained the product information and told Traci the liquid was a product called "Greasestrip Plus" made by EcoLab. This product consists of sodium hydroxide, a powerful solvent, used to clean commercial cooking equipment. The product information warned not to induce vomiting if the degreaser was ingested.

23. Employee No. 1 encouraged Traci to drink water to dilute the chemical and several servers in the area apologized to Traci for what had happened.

24. Traci left the restaurant, met her parents in the parking lot, and began to explain what happened.

25. Traci broke down and became very emotional because of her fear that exposure to the degreaser would have a harmful effect on her or her unborn child.

26. Traci's mother insisted she go to the emergency room immediately to be treated for ingesting the degreaser.

27. On the way to the hospital, Traci called her husband, Brian, to tell him what had happened. When Brian received her call, Traci was crying and very upset Traci also called First Watch to request as much information as possible about the degreaser so Traci could contact poison control.

28. When she called, Traci spoke to a First Watch manager ("Manager No. 1") who provided certain information about Greasestrip Plus and then transferred Traci to another First Watch employee ("Employee No. 4") who had already spoken to Poison Control and who had some additional information

about the chemical. Employee No. 4 also gave Traci a case number to reference in future dealings with First Watch.

29. The information about Greasestrip Plus indicated Traci could experience tissue damage in her mouth and throat but did not include any information about possible long term effects or the possible effects on an unborn child.

30. Traci was examined and monitored at the emergency room at St. Elizabeth Hospital in Florence, Kentucky. Brian met Traci at the hospital.

31. While at the hospital, Brian contacted Traci's obstetrician who instructed Traci to leave the hospital immediately and go to the Triage Center at St. Elizabeth in Edgewood, Kentucky so they could put Traci on a baby monitor.

32. Traci went to the Triage Center and her baby was put on a monitor for several hours so the information could be relayed to Traci's obstetrician. Unfortunately, this information did not provide any additional insight into whether ingesting GreaseStrip Plus would result in any potential harm to Traci's baby.

33. The monitoring did not reveal any detectable problems with Traci's baby; however, none of the information Traci received from Poison Control or any of the physicians she saw indicated whether there could be any short term or long term harm to her unborn baby as a result of her consumption of the toxic chemical.

34. After the incident on June 11, 2017, Traci experienced severe emotional distress, anxiety and sleeplessness because of her concerns about the possible impact the sodium hydroxide might have on her unborn baby.

35. During June, July, August and September of 2017, months that should have been spent in joyful preparation for the arrival of Traci's first child, Traci was preoccupied with what damage might have been done to her baby as the result of her ingesting sodium hydroxide.

36. During this period of time, Traci's emotional distress took a toll on her relationship with her husband Brian.

37. As a result of Traci's exposure to the chemical, Brian had to manage Traci's distress and anxiety about the condition of her pregnancy and possible long term effects of the exposure. In addition to the normal stresses of pregnancy and the impending arrival of a child, Brian had to cope with Traci's emotional distress.

38. Brian has also experienced emotional distress because of the violation of trust that occurred when First Watch's negligence resulted in his pregnant wife consuming a dangerous chemical.

39. On September 26, 2017, Traci delivered her son Cole Robert Hall. The delivery was without major complications and since that time, Cole appears to be developing normally.

40. In the months since his birth, doctors have not been able to detect any problems that can be directly attributed to Traci's ingestion of sodium hydroxide; however, Traci still worries about possible long term effects to either her or her son.

COUNT I.
Negligence

41. Plaintiff incorporates by reference the allegations set forth in each of the preceding paragraphs as if fully re-written herein.

42. First Watch owed Brian, Traci and their unborn child a duty of care.

43. First Watch created an unreasonable risk of harm by locating a dispenser of dangerous chemicals next to its beverage refill station without proper warnings or labels.

44. First Watch breached its duty of care when its employees negligently served a dangerous chemical to Traci as a beverage.

45. Pursuant to the doctrine of *respondeat superior*, First Watch is responsible for the conduct of its employees.

46. As a direct and proximate result of First Watch's negligence, Traci consumed a dangerous chemical while she was pregnant.

47. Defendant's actions and inactions constitute gross negligence.

48. Defendant's negligence and gross negligence have directly and proximately caused Traci to suffer damages in amounts to be determined at trial, but expected to be in excess of \$25,000.00.

COUNT II.
Loss of Consortium

49. Plaintiffs incorporate by reference the allegations set forth in each of the preceding paragraphs as if fully re-written herein.

50. First Watch's negligence caused Traci to ingest sodium hydroxide, a toxic commercial cleaning product.

51. As a direct and proximate result of Traci's ingestion of the sodium hydroxide while she was pregnant, Traci experienced debilitating emotional distress that had a material impact on her marital relationship with Brian.

52. As a result of the traumatic experience of Traci consuming sodium hydroxide, Brian experienced a lost of consortium.

53. Defendants' breach of their duty of care has directly and proximately caused Brian to suffer damages in amounts to be determined at trial, but expected to be in excess of \$25,000.00.

WHEREFORE, Plaintiffs Traci Hall and Brian Hall respectfully request the Court enter judgment in favor of Plaintiffs and against the Defendant First Watch Restaurants, Inc. as follows:

1. That Plaintiff Traci Hall be granted judgment against Defendant upon Count I of this Complaint in an amount to be determined at trial but expected to exceed \$25,000.00;
2. That Plaintiff Brian Hall be granted judgment against Defendant upon Count II of this Complaint in an amount to be determined at trial but expected to exceed \$25,000.00;
3. That Plaintiffs be awarded their costs of this action, including, without limitation, Plaintiffs' reasonable attorneys' fees, and any and all other legal and equitable relief to which they may be entitled.

Respectfully submitted,

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***Counsel for Plaintiffs Traci and
Brian Hall***

JURY DEMAND

Plaintiff demands a jury trial upon all issues in this case that are triable by a jury.

Neil Fairweather (0073150)

PRAECIPE FOR SERVICE

Please issue a summons and serve it along with a copy of the Complaint to the Defendant identified in the caption on page one via U.S. Certified Mail, return receipt requested.

Neil Fairweather (0073150)