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Lawsuit over E. coli-infected spinach settled

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By **Dennis Romboy**

SALT LAKE CITY -- An Orem woman who nearly died after eating spinach tainted with E. coli has settled a **multimillion-dollar lawsuit** with the companies responsible for the contaminated greens.

Lawyers for Chelsey Macey and Dole Food Co., Natural Selection Foods and Mission Organics announced the agreement Tuesday in U.S. District Court. They declined to disclose terms of the settlement, which came while jurors were deliberating after a five-day trial.

"I think it was clear that Chelsey had a crushing injury," said Macey's attorney Dick Burbidge. "It was appropriate justice be brought to her benefit."

Macey, a 26-year-old married mother of three, became deathly ill after eating Dole pre-washed baby spinach in 2006 and then developed a severe case of post-infectious irritable bowel syndrome. Her attorneys argued the condition rendered her permanently disabled.

Macey, who attended little of the trial, was not in the courtroom Tuesday.

Burbidge in closing arguments last Friday asked the 10-woman, 2-man jury to award Macey at least \$10 million -- \$5 million for past medical expenses, future medical care and future lost wages and at least that much more for pain and suffering.

Jurors, who deliberated four hours before the settlement was reached, said afterward they had basically agreed on a dollar figure for economic damages but were far apart on pain and suffering. They said they were relieved to not have to make the decision.

"Both sides had really good points," one juror said.

After nearly two years of courtroom wrangling, Dole and the other companies accepted liability for the contaminated spinach before the trial and agreed to compensate Macey for damages. The argument in court came down to how much.

Al Maxwell, who represented Natural Selection Foods, contended that Macey could make a reasonable recovery with proper medical treatment, including seeing a psychiatrist.

But medical and mental health experts retained by Macey's lawyers testified that her condition is permanent and getting worse.

Macey was once a healthy, talented and ambitious young woman. She worked full time at Maceys grocery store and attended school to become a pharmacist, at the same time being a wife and mother of young daughters.

Gripping abdominal pain and fatigue now prevent her from working, going to school, attending church and managing her household, Burbidge said. She shies away from shopping and eating out for fear of losing control of her bowels.

Burbidge said he hopes the care provided by the settlement will give Macey the coping skills to function to the highest degree she can within the confines of her illness.

"I hope she keeps fighting," he said, "and I think she will."

Lawyer were scheduled to argue about punitive damages this week but will not pursue that course in light of the settlement.

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