

STATE OF INDIANA)

COUNTY OF TIPPECANOE)

CYNTHIA ZDRAVICH,)
as Personal Representative of the)
Estate of Alexander Zdravich, Deceased)
And CYNTHIA ZDRAVICH, Individually)

[REDACTED])

Plaintiffs)

vs.)

Cause No. _____)

AGAVE AZUL AUTHENTIC)
MEXICAN RESTAURANT 3 LLC)
705 Sagamore Parkway West)
West Lafayette, Indiana 47906)

Defendant)

SERVE: JOSE BUSTOS)

[REDACTED])

COMPLAINT FOR DAMAGES

Plaintiffs, Cynthia Zdravich, as Personal Representative of the Estate of Alexander Zdravich, deceased, and Cynthia Zdravich, Individually, by counsel, for their Complaint for Damages against Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, state as follows:

1. Plaintiff, Cynthia Zdravich, is the Personal Representative of the Estate of Alexander Zdravich, who died on the 26th day of October 2016, a resident of [REDACTED]
[REDACTED]
2. Plaintiff, Cynthia Zdravich, was appointed Personal Representative of the Estate of Alexander Zdravich, on the 1st day of March 2017. See Order Attached as Exhibit A.

3. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, is an LLC organized under the laws of Indiana and regularly conducts business in the state of Indiana and is subject to the jurisdiction of this Court.
4. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, has a principal office address of [REDACTED]
5. The Registered Agent for Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, is Jose Bustos, [REDACTED]
6. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, owns and operates a restaurant open to the general public located at 705 Sagamore Parkway West, West Lafayette, Tippecanoe County, Indiana 47906.
7. On or about October 23, 2016, Cynthia Zdravich and Alexander Zdravich ate at Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC's, restaurant located at 705 Sagamore Parkway West, West Lafayette, Tippecanoe County, Indiana 47906.
8. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, owed a duty of care to Plaintiffs to prepare and serve safe food products.
9. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, owed a duty of care to Plaintiffs requiring Defendant to conform to a reasonable standard of conduct for the safe storage, handling, preparation, distribution, and sale of food products at Defendant's restaurant.
10. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, breached the duty of care owed to Plaintiffs and was negligent in its food handling procedures and practices, including but not limited to safe storage, handling, preparations, distribution, and sale of food products at Defendant's restaurant.
11. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, had a duty to properly supervise, train, and monitor its employees, and to ensure its employees' compliance with all

applicable statutes, laws, regulations, or safety codes pertaining to food handling procedures and practices, including but not limited to safe storage, handling, preparations, distribution, and sale of food products at Defendant's restaurant.

12. Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, breached this duty and was negligent in supervising, training, and monitoring its employees to ensure its employees' compliance with all applicable statutes, laws, regulations, or safety codes pertaining to food handling procedures and practices, including but not limited to safe storage, handling, preparations, distribution, and sale of food products at Defendant's restaurant.
13. As a direct and proximate result of the aforementioned negligence Cynthia Zdravich and Alexander Zdravich ate contaminated food and contracted foodborne illness, which led to the hospitalization of Cynthia Zdravich and Alexander Zdravich on October 24, 2016, and death of Alexander Zdravich on October 26, 2016.
14. The foodborne illness contracted by Cynthia Zdravich and Alexander Zdravich and Plaintiffs' resulting injuries and damages, including Alexander Zdravich's death on October 26, 2016, were caused and brought about by the negligence of the Defendant.
15. The negligence of the Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, was a substantial factor in causing the Plaintiffs to suffer serious painful and permanent bodily injuries, including Alexander Zdravich's death on October 26, 2016.
16. As a direct and proximate result of the negligence of the Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, Plaintiffs have incurred expenses for medical care and treatment, funeral and burial expenses, costs and expenses of administration, including attorney fees, by virtue of Alexander Zdravich's death, suffered permanent and lasting injuries, including Alexander Zdravich's death, and Alexander Zdravich's power to labor and earn money has been permanently destroyed.

17. The negligence referenced above was gross, wanton, and performed with reckless disregard to the safety of others.

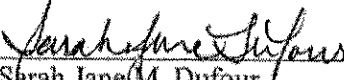
18. Plaintiff, Cynthia Zdravich, Individually, is the surviving spouse of Alexander Zdravich, deceased; that as a direct and proximate result of the aforementioned negligence of the Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, said Plaintiff was caused to lose the love, affection, companionship, and general consortium of her deceased spouse, Alexander Zdravich.

19. That pursuant to the actions and inactions of the Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, as described above, Plaintiffs are entitled to damages which include compensatory and punitive damages.

WHEREFORE, Plaintiffs, Cynthia Zdravich, as Personal Representative of the Estate of Alexander Zdravich, deceased, and Cynthia Zdravich, Individually, demand judgment against Defendant, Agave Azul Authentic Mexican Restaurant 3 LLC, as follows:

1. Judgment for compensatory damages in an amount to be determined by the trier of fact;
2. Judgment for punitive damages in an amount to be determined by the trier of fact;
3. Prejudgment and post-judgment interest at the legal rate of interest;
4. Plaintiff's costs herein expended, including reasonable attorney's fees;
5. Trial by jury; and
6. For any and all proper relief to which the Plaintiff may appear entitled.

Respectfully submitted,


Sarah Jane M. Dufour

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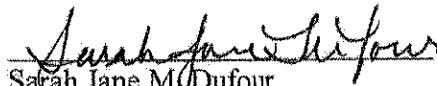
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DEMAND FOR JURY TRIAL

Come now the Plaintiffs, by counsel, and demand their right to trial by jury on each and every issue herein so triable by jury.

Respectfully submitted,



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