

STATE OF INDIANA)
) ss: THE MARION COUNTY SUPERIOR COURT
 COUNTY OF MARION) CIVIL DIVISION
) CAUSE NO.

PENNY POSTON, as Personal)
 Representative of the Estate)
 of KEISHA GRIFFIE, Deceased,)
 and DAIJOUR GRIFFIE, a single)
 individual,)

 Plaintiffs,)

vs.)

HUAN YING INCORPORATED d/b/a)
 FOON YING,)

 Defendant.)

COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF

COME NOW Plaintiffs, Penny Poston, as Personal Representative of the Estate of Keisha Griffie, Deceased, and Daijour Griffie, a single individual, and for their cause of action against Defendant Huan Ying d/b/a Foon Ying, allege and say as follows:

FACTS RELEVANT TO ALL COUNTS

1. Plaintiff Penny Poston is the mother and Personal Representative of the Estate of Keisha Griffie (hereinafter, "Keisha"), deceased, established for the purpose of bringing a wrongful death claim. Plaintiff Daijour Griffie is Keisha's son.

2. Defendant Huan Ying Incorporated d/b/a Foon Ying, (hereinafter, "Defendant"), is a restaurant doing business in the state of Indiana located at 3770 North Shadeland Avenue, Indianapolis, Indiana.

3. At all times herein mentioned, the Plaintiff, Keisha and Daijour Griffie were residents of Marion County, Indiana.

4. At all times material, Defendant was engaged in the operation of a restaurant known as Foon Ying, located at 3770 North Shadeland Avenue, Indianapolis, Indiana, where Defendant solicited and/or invited the public to purchase Chinese food and beverage products for consumption on and off the premises in exchange for payment for the food and beverage items.

5. The Defendant is one hundred percent (100%) responsible for the damages incurred by Plaintiffs.

6. Defendant is in the business of selling carryout egg rolls and other Chinese meals and edibles to the homes or other places for consumption at their customers' discretion.

7. Keisha ordered and purchased vegetable egg rolls from the Defendant on or about February 4, 2017.

8. Keisha's vegetable egg rolls were picked up at Defendant's restaurant by her cousin, Kevin Griffie, and delivered to her at her home.

9. Keisha consumed Defendant's vegetable egg roll products and became violently ill.

10. Keisha was treated by emergency medical personnel at her home for anaphylactic shock secondary to shellfish allergy where she passed away.