

The Tennessee Jury Verdict Reporter

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Statewide Jury Verdict Coverage

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Food Server Negligence - The plaintiff suffered a permanent GI injury (it resembles Irritable Bowel Syndrome) after mistakenly being served at a Kimball, TN Cracker Barrel restaurant what was supposed to be water from a pitcher but which was actually a mixture of water and a commercial grade bleach – the plaintiff alleged not just negligence but also gross negligence there being proof Cracker Barrel regularly served water from unmarked pitchers – a Jasper jury awarded substantial damages including punitive damages that were reduced nearly \$5,000,000 by the final judgment's application of the state's tort scheme

Cronnon v. Cracker Barrel, 20886

Plaintiff: Thomas R. Greer, *Bailey & Greer*, Memphis and Elizabeth Adams, *Greer Swafford & Adams*, Dunlap
Defense: N. Mark Kinsman, *Rainey Kizer Reviere & Bell*, Chattanooga and Scott N. Davis, *The Davis Firm*, Chattanooga

Verdict: \$9,330,000 for plaintiff

Court: **Marion**

Judge: Curtis Smith

Date: 1-6-22

William Cronnon, age 60, was a patron 4-25-14 at a Cracker Barrel in Kimball, TN. He was there for lunch. After Cronnon finished eating, a waitress refilled his glass with what was believed to be water. Cronnon drank it and immediately knew something was wrong.

The water wasn't just water. It was a mixture of both water and a

commercial grade bleach known as Eco-San. It had been served from an unmarked pitcher.

Cronnon went to the local ER (Grandview in Jasper) and was given apple sauce to treat the exposure. There were no diagnostic tests and he was released.

Cronnon's initial injuries were a burning throat, shortness of breath and nausea. Later in the day Cronnon had bloating and cramping. He reported that afternoon to the Erlanger ER in Chattanooga.

An upper endoscopy didn't reveal any caustic damages but there was mild redness in his stomach. He was given a drug to treat acid reflux. Thereafter he followed with a gastroenterologist (Dr. Richard Sadowitz, Chattanooga) and complained of regular cramping, bloating diarrhea and reflux. Cronnon moved in 2017 from the area to Brooklyn, NY (he met a girlfriend playing poker online) and continues to report symptoms that are described as being like Irritable Bowel Syndrome.

Sadowitz and a second treating gastroenterologist from Brooklyn, Dr. K. Iswara (he has a thick accent and his deposition was heavily subtitled) confirmed the injury. Particularly the exposure to the bleach damaged Cronnon's gut microbiome and degraded his immune system.

In this lawsuit Cronnon alleged negligence by Cracker Barrel in