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U.S. outbreak linked to Taco Bell lettuce

CYCLOSPORIASIS

LENA H. SUN
AND RACHEL ROUBEIN

U.S. health officials say that a multistate outbreak of cyclosporiasis that has sickened thousands of people has been linked to shredded iceberg lettuce served at Taco Bell restaurants in five states.

The U.S. Centers for Disease Control and Prevention and the U.S. Food and Drug Administration said traceback investigators identified a single supplier of iceberg lettuce from Mexico used at Taco Bell restaurants in Indiana, Kentucky, Michigan, Ohio and West Virginia. In updates posted to the CDC web page and FDA web page late Thursday, officials urged consumers not to eat shredded iceberg lettuce from Taco Bell restaurants in those states while the investigation continues.

The agencies did not name a supplier.

But two individuals familiar with the inquiry said investigators have identified Taylor Farms as the supplier of the shredded iceberg lettuce.

The individuals spoke on the condition of anonymity to share details of the ongoing investigation.

The FDA is working directly with the supplier to determine if contaminated shredded

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iceberg lettuce went to other places, officials said. More than 1,644 sick people in this outbreak reported eating at Taco Bell locations in the five states, officials said.

“The investigation remains active, and additional states, restaurants, retailers, or products may be identified as more information becomes available,” said Emily Hilliard, a spokesperson for the Health and Human Services Department.

This summer’s outbreak of cyclosporiasis, among the largest such outbreaks in the United States, has been largely concentrated in southeastern Michigan, where more than 4,300 cases have been reported and at least 100 people have been hospitalized as of Thursday.

“The signal we have got is that there is a very high percentage of people who get sick at Taco Bell, and when investigators asked what their menu items were in common, lettuce came up frequently,” said one of the individuals.

In a statement, Taco Bell Corp. said:

“Based on ongoing conversations with public health officials, and out of an abundance of caution, Taco Bell has taken immediate action to voluntarily remove potentially impacted lettuce from a supplier in select states.

“The affected ingredient from our supplier is being indefinitely removed from our supply chain nationwide and will be replaced within 24 hours in select states.”

The Washington Post



PETER POWER / POSTMEDIA NEWS

Magna International founder Frank Stronach smiles outside a Toronto court Friday alongside his lawyer Leora Shemesh and his driver Glenn Anderson. Shemesh says she is “thrilled” Stronach’s guilty finding for sex assault has been voided.

‘BIZARRE’ TURN LEADS TO MISTRIAL IN STRONACH SEXUAL ASSAULT CASE

Judge makes remark after complainant’s lawyer tries to extract money

JOSEPH BREAN

A judge has declared a surprise mistrial in the sexual assault case of Frank Stronach, voiding a guilty finding because the complainant’s lawyer made a clumsy attempt to extract money through Stronach’s lawyer, but ended up sharing information that contradicted the woman’s testimony under oath.

The shocking decision by Justice Anne Molloy overturns her recent finding that Stronach was guilty of sexually assaulting this woman, known as A.S., who once worked as a waitress in a bar Stronach owned.

It leaves one other guilty finding for indecent assault undisturbed. Sentencing arguments on that will be heard in September.

But it means the extensive and high-profile case against the prominent auto parts billionaire has succeeded in only one guilty finding, out of 12 initially alleged involving seven female complainants.

“These are unusual circumstances,” said Molloy, who found Stronach guilty last month.

At issue was the fact a lawyer for A.S. recently contacted Stronach’s lawyer Leora Shemesh to, as she told Molloy on Friday, “extract money,” without going through the formal process of litigation. He even sketched out the details of what he would accept, nearly a million dollars based on \$275,000 damages, \$25,000 in legal fees and interest since the early 1980s.

Shemesh argued there was risk of a miscarriage of justice in the case because the narrative of the crime provided by this lawyer, Shale Wagman, is different than what the complainant A.S. testified in court. For example, the lawyer’s account included details of her being afraid of Stronach when she saw him after the assault, and that he “smirked” at her, which Molloy said substantially contradicts her testimony.

Although some details of the material were described in open court, lawyers and the judge made efforts not to de-

scribe it in great detail, pending the judge’s decision about whether it was privileged.

Molloy said she agreed with the concern about risk to justice.

“Wouldn’t he have read my decision?” Molloy said, rhetorically, and discussed potentially calling Wagman as a witness to see whether he was operating under his client’s instructions, and whether A.S. actually told him the details of the crime that he relayed to Shemesh that contradict her evidence earlier this year. Molloy called the situation “bizarre.”

There was extensive argument about whether to call A.S. to explain herself again under oath, but the mistrial makes that moot.

“I agree, it’s quite unusual, because as your honour knows, she could have waited until October (to discuss a financial settlement), because there’s no statute of limitations (on sexual assault),” Shemesh said.

I don’t see any way around this.
Interesting problems, to say the least.

In effect, this lawyer just cost his client what he thought was a million-dollar settlement.

Wagman, like Stronach, has a long-standing interest in thoroughbred horse racing, and in his legal practice he has argued cases at the Horse Racing Appeal Panel and the Ontario Racing Commission.

Wagman has also been found by the Law Society of Ontario to have engaged in professional misconduct, once by communicating with opposing counsel in an abusive and offensive manner, and once by mishandling money. His licence was briefly suspended. He could not be immediately reached for comment.

“I’m thrilled,” Shemesh said outside court, saying it highlights the problem of people using the criminal justice system to pursue their own financial goals.

In her reasons last month, Molloy wrote about finding A.S. to be “a compelling, believable, and truthful witness,” who exhibited an “extreme fairness,” sometimes seeming to be “cross-examining herself, wondering if she was giving ‘mixed messages.’” But she also described misgivings about her reliability, but decided they were “explained to my satisfaction. They do not shake my confidence that the event she described did happen, just the way she described it.”

A.S. was a waitress who had been fired from a bar Stronach owned. Molloy had found Stronach guilty of groping A.S. in his apartment after a dinner meeting to discuss her employment. It was among the more minor of the crimes initially alleged.

“I don’t see any way around this,” Molloy said before declaring the mistrial. “Interesting problems, to say the least.”

Before Molloy made her decision, there was extensive

repercussions for him” if it turned out he manufactured this evidence.

But Shemesh said the court should start from the position that the material is just what it appears to be, a contradictory account of the events in question, and that it comes from her lawyer. Shemesh said it is impossible to call the witness back to “reassess” her credibility, to call some separate hearing to “re-engage” with the question of whether A.S. is credible and reliable.

Shemesh said the judge heard the witness A.S. in her original testimony, and made decisions about her credibility.

“Now you have a record in front of you that calls into question the veracity of that evidence,” Shemesh said. “That is a risk for miscarriage of justice, that is the reason I say it must be mistried.”

Molloy also considered whether the written materials provided by Wagman and filed with the court should be covered by what is known as settlement privilege, meaning that to disclose them would improperly interfere with A.S.’s civil right to seek compensation for harms done to her.

Molloy decided the materials were covered by this privilege, regardless of the fact no actual lawsuit had yet been filed.

Like solicitor-client privilege, however, there are exceptions when it can be set aside. One of those is known as the “innocence at stake” exception. Vlacic acknowledged this would apply here.

Molloy also said she was satisfied that this new evidence “goes directly to credibility.”

Having already made a ruling on A.S.’s credibility, Molloy saw no way to simply add this new wrinkle to her analysis.

A mistrial does not mean this case of A.S. cannot be prosecuted again. That will be a decision for the Crown. It just means that this particular prosecution of it, which initially succeeded in securing a guilty finding, cannot stand.

Molloy said her written reasons would follow.

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