

UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2006 JAN 12 PM 1 44

CHRISTOPHER BUTTS )  
BYRON MARTIN )  
PLAINTIFFS Pro-Se )

DIVERSITY OF CITIZENSHIP )  
CIVIL COMPLAINT )  
DOCKET NUMBER BY                      )  
JURY TRIAL DEMANDED                      )  
BY PLAINTIFFS )

V. )  
CONAGRA FOODS INC. )  
DEFENDANT )

2:06 cv 1

COMPLAINT

Parties

1. At all times hereinafter mentioned, Plaintiffs were and still are a resident of Vermont yet are all inmates in the state of Kentucky even though they are in the control and custody of Vermont Department of Corrections.

Plaintiffs are:

Christopher Butts #330498  
Byron Martin #322022

Plaintiffs address is: Post Office Box 900  
Beattyville, KY 41311-0900

2. Defendant, Conagra Foods Inc. is a corporation incorporated under the laws of the state of Nebraska and the Federal Food and administration and having a main office at Post Office Box 3768, Department 8, Omaha, Nebraska 68103. Phone # 1-800-257-5191.

3. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1332, A Diversity Claim alleging product liability and personal injury.

Preliminary Statement

This is a Civil Complaint filed by Christopher Butts and Byron Martin for Damages Relief under 28 U.S.C. § 1332 (a) (1) because both parties, the Plaintiffs and the Defendant are from different states and this is an actionable claim (Tort) brought under a products liability case, see Romandette v Weetabix Co., Inc., 807 F.2d 309 (2nd Cir. 1986).

Facts

On November 22, 2005 (please see receipt of chicken purchased by Plaintiff Christopher Butts) Christopher Butts bought a box of Banquet Chicken for a sum of \$5.37.

Since it was frozen solid Christopher Butts allowed it to thaw out until the next day when he put it in the microwave to heat it up since it was already pre-cooked and simply laid out

all the pieces of chicken out on a napkin according to the directions of the package.

After all the pieces of chicken was heated up good for eating, Christopher Butts invited two (2) other inmates to eat chicken with him which he assumed were pieces of chicken consisting of exactly as specified on the box "assorted breaded pieces, Breast, Drums, and thighs.

It turned out that while we were eating the chicken pieces something did not look exactly like we bargained for. We found, to our Horror, the most vile portion of the chicken-chicken Feces, the excrement of the body of the chicken replete with the whole intestinal track from the throat of the chicken to the very sphincter muscle, the butt-end.

I immediately turned white and blood ran out of my face. I was devastated and now thinking, on such a predicament as this. My stomach became a knot and I became nausea. I went straight into the bathroom and threw up while battling uncontrollable convulsions. To make matters worse I experienced a bout about bout of diarrhea when I could not control my own bowels all through the night. I thought about going to the doctor yet I could not even walk to the nurses station without the fear of diarrhea leaking out. It was not over until twenty-four (24) hours later, that my system begin to feel normal. Yet the next day was Thanksgiving and the sight of the turkey meat made me once again nausea.

I have since then, began to worry that I may have contracted some fatal disease especially with the threat of Bird Flu going around. Yet I have come to the thought that it all may be a psychosomatic, which then triggered physical nausea and resulted in this physical manifestation. Yet I am not a doctor and I did not feel it was a life threatening situation.

The other parties involved are Byron Martin, Henry Butson, and Corydon Cochran. Henry Butson and Corydon Cochran was the two (2) gentlemen that I shared the chicken with and Byron Martin is a friend whom I showed the chicken pieces to who is a part of this action because of his involvement with witnessing first hand this terrible ordeal, and witnessing the events described above.

The foregoing reason(s) are why this is a product liability-physical injury claim.

It also must be asserted that, what was advertised on the box of the Banquet Chicken package was not what was represented.

Relief,

Wherefore, Plaintiffs Respectfully request that this Court Grant the following Relief:

- A) Award Compensatory damages in the following amounts:

1) \$100,000.00 jointly and severally against the Defendant Con Agra Foods Inc.

B) Award punitive damages in the following amounts:

1) \$100,000.00 jointly and severally against the Defendant Con Agra Foods Inc.

C) Award all Court costs, and Attorney fees, if incurred by the Plaintiffs, from the Defendant(s) Con Agra Foods Inc. and any other relief as it may appear that Plaintiff is entitled too.

Respectfully submitted,

  
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Christopher Butts 12-23-05

  
\_\_\_\_\_  
Byron Martin 12-23-05