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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**GRANT YOAKUM**

as the professional  
personal representative  
for the estate of Earl Jacobe

Plaintiff

vs

**CURALEAF, INC.**

Defendant

Case No. 3:22-cv-1

**COMPLAINT**

Wrongful Death – ORS 30.020  
Products Liability – ORS 30.900

28 U.S.C. § 1332

Demand for Jury Trial

1.

### **JURISDICTION AND THE PARTIES**

This Court has jurisdiction under 28 U.S.C. § 1332 because the amount in controversy requirement is satisfied and the parties are citizens of different states.

2.

Grant Yoakum and Earl Jacobe are citizens of the state of Oregon. Grant Yoakum is the appointed personal representative of the Estate of Earl Jacobe according to a judgment entered in Lake County Circuit Court dated December 8, 2021 in case number 21PB10189.

3.

Defendant is a citizen of the state of Delaware.

4.

Venue is proper in the state of Oregon under 28 U.S.C. § 1391 because a substantial part of the events or omissions giving rise to plaintiff's claim occurred in Oregon and defendant is registered to do business in Oregon with the Oregon Secretary of State Corporate Division and defendant maintains a registered agent in Oregon and defendant regularly supplies, distributes, markets, and sells its Select CBD Drops in Oregon in the course of its business.

5.

### **FACTUAL ALLEGATIONS**

On or around August 18, 2021, and again on or around August 29, 2021 in Christmas Valley, Oregon, Mr. Jacobe consumed Select CBD Drops that were designed, produced, manufactured, labeled, supplied, inspected, tested, distributed, marketed, advertised, and sold by defendant.

6.

Defendant labeled, marketed, advertised and sold the Select CBD Drops consumed by Mr. Jacobe as containing cannabidiol (CBD), which does not produce intoxicating effects.

7.

In reality, the Select CBD Drops consumed by Mr. Jacobe contained tetrahydrocannabinol (THC), a psychoactive compound in cannabis that produces intoxicating effects.

8.

In Oregon, drops containing THC are not permitted to be sold to consumers without a warning label.

9.

THC is not fit for unintentional human consumption, as it can impair a person's ability to drive a motor vehicle and cause unwanted anxiety, panic, and acute psychosis.

10.

**CLAIMS FOR RELIEF**

**- Products Liability -**

As alleged in this complaint, defendant was negligent by creating its tainted Select CBD Drops product which contained THC, which was a foreign object and not permitted to be sold to consumers without a warning label and not fit for unintentional human consumption. Defendant designed, produced, manufactured, labeled, supplied, inspected, tested, distributed, marketed, and advertised the tainted CBD Drops product which Mr. Jacobe ingested, not knowing that defendant's CBD Drops product actually contained THC. Defendant was negligent by failing to exercise quality control standards of its products which would have detected THC inside its Select CBD Drops. Defendant was negligent by offering a tainted product which contained a dangerous foreign object which was likely to cause harm and unwanted health consequences when unintentionally consumed. Defendant promotes the quality and safety of its products. Yet, none of defendant's Select CBD Drops advertisements or packaging contain labels warning consumers that Select CBD Drops may be contaminated and tainted with foreign objects like THC that is not permitted to be sold to consumers without a warning label and not fit for unintentional human consumption.

**11.**

Defendant was negligent by not using reasonable care and for failing to warn or instruct plaintiff about the condition of its Select CBD Drops. Due to defendant's negligence, Mr. Jacobe, a 78-year-old man, believed he was going to die, and experienced stroke-like-symptoms, and experienced sudden numbness and weakness in the face, arm, and leg, sudden confusion, trouble speaking, and difficulty understanding speech, trouble seeing straight, trouble walking, dizziness, loss of balance, and lack of coordination. Mr. Jacobe turned pale, began sweating profusely, and had to be life flighted to the emergency room on two separate occasions. Due to defendant's negligence, Mr. Jacobe experienced ongoing psychosis, discomfort, and distress, and interference with life activities. Accordingly, plaintiff respectfully requests judgment against defendant for economic and non-economic damages in amounts determined by the jury to be fair and reasonable. Defendant's acts and omissions as alleged in this complaint showed a reckless and outrageous indifference to a highly unreasonable risk of harm and defendant acted with a conscious indifference to the health, safety and welfare of others. As a result, plaintiff also seeks punitive damages in an amount to be determined by the jury not to exceed 1% of defendant's net worth.

12.

**- Wrongful Death -**

Defendant's wrongful acts and omissions as alleged in this complaint were a substantial factor in causing the death of Mr. Jacobe on October 19, 2021. Mr. Jacobe was never the same after consuming defendant's tainted Select CBD Drops product which contained THC. Before consuming defendant's tainted drops, Mr. Jacobe was mobile and communicative. After consuming defendant's tainted drops, Mr. Jacobe was stationary and reticent, and spent most of his remaining days in bed or in his chair for 20 hours a day or more. Mr. Jacobe's family noticed a marked decline in his mobility and communication after he consumed defendant's tainted drops. After consuming defendant's tainted drops, Mr. Jacobe believed he was going to die, and experienced stroke-like-symptoms, and experienced sudden numbness and weakness in the face, arm, and leg, sudden confusion, trouble speaking, and difficulty understanding speech, trouble seeing straight, trouble walking, dizziness, loss of balance, and lack of coordination. Mr. Jacobe turned pale, began sweating profusely, and had to be life flighted to the emergency room on two separate occasions. Mr. Jacobe's weakened state of health after consuming defendant's tainted drops was a substantial factor in causing his death on October 19, 2021.

**13.**

As a result of defendant's wrongful behavior as alleged in this complaint, Mr. Jacobe lost his life. Mr. Jacobe's loss of life was avoidable, and was a reasonably foreseeable result of defendant's wrongful behavior. Mr. Jacobe's estate is entitled to full and fair compensation in an amount to be decided by the jury to be reasonable for economic damages and non-economic damages including for the loss of Mr. Jacobe's society and companionship to his family members, and for Mr. Jacobe's pain and suffering during the period between his injury and death. Defendant's acts and omissions as alleged in this complaint showed a reckless and outrageous indifference to a highly unreasonable risk of harm and defendant acted with a conscious indifference to the health, safety and welfare of others. As a result, plaintiff also seeks punitive damages in an amount to be determined by the jury not to exceed 1% of defendant's net worth.

**14.**

Request for jury trial.

15.

**PRAYER FOR RELIEF**

Plaintiff seeks relief against defendant as sought above, and for maximum interest, taxable costs, and for any other relief the Court may determine is fair and proper. Plaintiff retains the right to amend this complaint to include new parties and new claims as new information is learned in discovery.

January 1, 2022

**RESPECTFULLY FILED,**

s/ Michael Fuller

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Lead Trial Attorney for Plaintiff

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