

Ex-Blue Bell President Wins Dismissal of U.S. Listeria Outbreak Charges

By Reuters

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(Reuters) - A federal judge on Wednesday dismissed charges against the former president of Blue Bell Creameries, who U.S. prosecutors said concealed from customers what the company knew about contaminated ice cream linked to a 2015 listeria outbreak.

U.S. District Judge Robert Pitman in Austin, Texas, dismissed the case against Paul Kruse after the U.S. Justice Department conceded he did not waive his right to be indicted by a grand jury, which prosecutors did not seek due to COVID-19.

Prosecutors in a recent court filing said the ongoing coronavirus pandemic "prevented a safe meeting of the grand jury and constituted a considerable exigent circumstance."

They argued that dismissing the case now would trigger a six-month grace period to secure an indictment from a grand jury even after the five-year statute of limitations to charge Kruse had expired, an assertion his lawyers contest.

"We believe any additional attempts to charge Mr. Kruse will be untimely," defense lawyer Chris Flood said in a statement. "Hopefully, the federal government can re-allocate their resources to more pressing matters during these trying times."

The Justice Department had no immediate comment.

Kruse was charged on May 1, the same day the department announced that the Texas-based ice cream manufacturer had agreed to pay \$19.35 million and plead guilty to charges that it shipped contaminated products linked to the outbreak.

The company ultimately recalled its ice cream in 2015 after 10 reported cases of listeria in four states were linked to its products. Three of the people sickened, all hospital patients in Kansas, later died.

(Reporting by Nate Raymond in Boston; Editing by Tom Brown)