Subway Case Judge Scolds 'Fake Tuna' Lawyer, Causing Embarrassment in Courtroom

A plaintiff's attorney representing a customer of Subway Restaurants Inc. faced admonishment from a federal judge in the ongoing 'fake tuna' lawsuit. The customer had made allegations against the fast-food chain, claiming that Subway misrepresented the content of its tuna products. However, Judge Jon S. Tigar of the US District Court for the Northern District of California stopped short of committing to awarding Subway sanctions in the case.

The legal battle centered around whether the plaintiff's claims were based on reasonable grounds and if Subway should be granted sanctions to cover their reasonable attorney fees. Representing Subway, Baker McKenzie attorney Mark Goodman asserted that he had never sought sanctions in his over 30 years of legal practice. Nevertheless, he argued that this case warranted such punitive measures, as the customer's lawyers knew that their claims lacked a proper basis and had not conducted themselves appropriately during the litigation process.

While Judge Tigar has yet to issue a final ruling, he expressed his frustration, indicating that even if Subway does not secure the sanctions, he understands their perspective and concerns.

See also: California Workers Secure Major Victory as Court Rules Against Uber

On the plaintiff's side, McNicholas & McNicholas LLP attorney Jeffrey Lamb, representing the customers, admitted embarrassment over certain aspects of the case. He expressed a desire to have done things differently, acknowledging that some of the legal strategies employed may not have been the most effective.

Don't be left in the dark about your earning potential. Discover the facts with LawCrossing's salary surveys.

The lawsuit originated in April when Nilima Amin, the plaintiff, requested the US District Court to permit her to voluntarily withdraw her proposed class action suit against Subway. Her decision was due to pregnancy-related health complications, which necessitated prioritizing her well-being and family matters. In response, Subway refuted the claims and contended that the suit had caused detrimental publicity to the restaurant chain. Subway argued that the dismissal should not occur without providing the company with a refund for the expenses incurred in dealing with the case.

Subway sought sanctions amounting to $617,955 and the costs associated with the motion. Additionally, the restaurant chain petitioned for the dismissal of the case, with no possibility of it being brought back to court in the future.

The lawsuit initially began in 2021 when Karen Dhanowa and Nilima Amin filed a complaint, accusing Subway of false marketing practices regarding its tuna products. The court dismissed the initial versions of the proposed class action. Initially, the plaintiffs alleged that Subway's products contained no tuna whatsoever. However, the complaint was later amended, asserting that Subway had falsely marketed its tuna as being 100% sustainably caught skipjack and yellowfin tuna. This amended version of the complaint survived the legal challenge, as it included claims that testing revealed DNA from chicken, cattle, and pork but no detectable tuna

DNA in a significant number of tuna products. The judge dismissed some of Dhanowa's claims but allowed certain claims by Amin to proceed.

Subway contended that Amin's attorneys were aware that the DNA tests used in their claims were unreliable, as they were conducted on cooked tuna mixed with other sandwich ingredients. The restaurant chain also provided detailed documentation of its tuna supply chain, supporting its assertion that its tuna products are indeed authentic.

As the legal battle continues, both parties await the judge's final decision on whether Subway will be granted sanctions and if the case will be dismissed. The outcome will undoubtedly have implications for Subway and future cases involving claims of misrepresentation and false marketing in the food industry.

Don't be a silent ninja! Let us know your thoughts in the comment section below.