

THE COUNTY COURT OF THE EIGHTEENTH
JUDICIAL CIRCUIT, IN AND FOR
SEMINOLE COUNTY, FLORIDA

RACHEL MADDOX, individually
And as parent and legal guardian of
L.U., a minor,

Plaintiff,

Case No.:
Division:

v.

KEELY FARMS DAIRY LLC., and
NATURE'S NATURAL FOODS LLC
d/b/a WILD HARE NATURAL
MARKET

Defendants.

 /

**MOTION TO DISMISS AND IN THE ALTERNATIVE A MOTION FOR
SUMMARY JUDGMENT**

COMES NOW Defendant Keely Farms Dairy, LLC ("Farm") through undersigned counsel, and hereby files pursuant to Florida Rule of Civil Procedure 1.140(b)(6) and 1.140(b)(e), this Motion to Dismiss or in the alternative a Motion for Summary Judgment. Farm states in support:

STATEMENT OF UNDISPUTED FACTS

1. The Farm warns consumers on its website that its raw milk product is not for "people to drink." Indeed, the website specifically states: "Raw dairy products are labeled 'Not for Human Consumption' and sold as "Feed For Calves" as required by Florida laws.
2. The Farm markets its product on a Facebook forum known as "Florida Raw Milk." At all times, the forum contains the following warning in the about section: "The State of Florida prohibits the sale of raw milk for human consumption (Florida Statutes 502.091). Raw milk can only legally be sold for pet consumption." The Farm's Facebook page contains substantially the same message.

3. The Farm ensures that every container of raw milk it sells contains the following warning label: “Due to the requirements of Florida Law and the Pasteurized Milk Ordinance, this produce is labeled Feed for Calves – Not for Human Consumption.” The phrase “Not for Human Consumption is featured prominently on the label.
4. The Farm includes such warning labels to satisfy its requirements to maintain a Feed Master Registration with the Florida Department of Agriculture and Consumer Services (“FDACS”). *See* Exum Decl. ¶4. Indeed, FDACS inspected and approved of the Farm’s labels in its most recent inspection around June of 2025. *See* Exum Decl. ¶4.
5. Plaintiff observed this label when visiting the grocery Nature’s Natural Foods, LLC (“Grocery”). She specifically inquired about the label at the Grocery. Compl, ¶ 31. Plaintiff claims she purchased the product because a person in the Grocery verbally described the label as a “technical requirement” to sell “farm milk.” *Id.* This person at the Grocery referring to “farm milk” was not the Farm, nor any person affiliated with the farm.
6. On or about August 4, 2025, the Florida Department of Health issued a press release referring to “E. coli (STEC) infections linked to a particular farm.” Exhibit 6. To demonstrate that the Farm did not have such issues, the Farm extracted samples of milk to test for *Campylobacter*, Mastitis Culture, and E. Coli. The Farm submitted these samples to independent laboratories under the auspices of the Florida Department of Health. The independent laboratories found no detectable levels of these pathogens.
7. Despite all tests being negative, on August 7, 2025, the Florida Department of Health issued a second press release. Exhibit 7.
8. Rachel Maddox admits that she herself did not consumer raw milk herself, but allegedly contracted pathogens while caring for her toddler. Compl, ¶ 37 However, it is widely

accepted that such pathogens do not cause miscarriage. Exhibit 8. (Affidavit of Margaret E. Coleman, M.S.).

MEMORANDUM OF LAW

Rule 1.140(b)(6), allows for the dismissal of a complaint that fails to state a cause of action upon which relief can be granted. *Fla. R. of Civ. P., Fox v. Prof'l Wrecker Operators of Florida, Inc.*, 801 So. 2d 175, 178 (Fla. 5th DCA 2001). In ruling on a motion to dismiss for failure to state a cause of action, the trial court is limited to reviewing the allegations contained within the four corners of the complaint. *McWhirter, Reeves, McGothlin, Davidson, Rief & Bakas, P.A. v. Weiss*, 704 So. 2d 214, 215 (Fla. 2d DCA 1998). The court may also consider underlying documents relied on and incorporated into the Complaint. *See, e.g. Orr v. AT&T Mobility, LLC*, 401 So. 3d 397, 399 (Fla. 3d DCA 2024)

Even when the incorporation by reference doctrine does not apply, a defendant may file a motion for summary judgment before filing an answer. *Coral Ridge Props. Inc v. Playa Del Mar Assoc.*, 505 So. 2d 414, 417 (Fla. 1987). Defendants may “obtain summary judgment without disproving the nonmovant’s case.” *In re Amendments to Fla. R. of Civ. Pro.* 1.510, 317 So. 3d 72, 74 (Fla. 2021) The moving party need only demonstrate “an absence of evidence to support the nonmoving party’s case.” *Rich v. Narog*, 366 So. 3d 1111, 1117-18.

I. Strict Liability

Because Plaintiff pleads that she was in fact warned that the product was fit only for animal consumption, there is no cognizable basis for a strict liability claim. Strict liability attaches “only when the product is used as intended.” *Jennings v. BIC Corp.* 181 F.3d 1250, 1256 (11th Cir. 1999) (citing *High v. Westinghouse Elec. Corp.*, 610 So. 2d 1259, 1262 (Fla. 1992). Only three theories of manufacturer strict liability exist: “a design defect, a manufacturing defect, or an inadequate

warning.” *Ferayorni v. Hyundai Motor Co.*, 711 So. 2d 1167, 1170 (Fla. 4th DCA 1998). The Plaintiff bears the burden of pleading specific facts of defects, including how such defects “reasonably could or should have been made safe.” *Rice v. Walker*, 359 So. 2d 891, 892 (Fla. 3d DCA 1978).

Warning labels are construed as setting forth a product’s intended purpose. *See Jennings*, 181 F.3d at 1256 (holding no strict liability when product used in contravention of warning label). Perhaps this is because there can be no strict liability “when the danger to be avoided is obvious to all.” *Clark v. Boeing Co.*, 395 So. 2d 1226, 1229 (Fla. 3d DCA 1981)). In sum, providing labels puts consumers on notice of the dangers of the product, and relieves producers from strict liability.

Likewise, because the label put Plaintiff on notice of the risks of raw milk, there is no design defect or manufacturing defect. In general, a producer of food cannot be held strictly liable for food where the consumer has a “reasonable expectation” of its dangers. *Zabner v. Howard Johnson’s, Inc.*, 201 So. 2d 824, 827 (Fla. 4th DCA 1967). “The defendant is not an insurer but has the duty of ordinary care to eliminate or remove in the preparation of food he serves such harmful substances as the consumer of the food, as served, *would not ordinarily anticipate and guard against.*” *Id.* Particularly in the context of raw food, a consumer makes the deliberate decision to ingest food “exactly the way it occurs “in the wild,” and knowingly assumes the risk of “substances that are indigenous to the organism in its natural state to be present when he or she receives it.” *Clime v. Dewey Beach Enters.*, 831 F. Supp. 341, 349 (D. Del. 1993). The fact that raw foods “pose some risk of illness” is so obvious to the public that courts have applied the reasonable expectation test in favor of defendant as a matter of law. *See id.* (citing *Cain v. Sheraton Perimeter Park South Hotel*, 592 So. 2d 218 (Ala. 1991)).

Because the label created a reasonable expectation of danger, all three theories of strict liability fail. First, to the extent Plaintiff’s claim that “Defendants failed to give adequate warnings” is directed to the Farm, this claim is contradicted by the label incorporated into the Complaint. Second, there can be no manufacturing or design defect for three reasons. First, the warning label in

itself created the reasonable expectation of danger. Even if persons associated with the Grocery disputed governmental advice to avoid the human consumption of raw milk, Plaintiff made the deliberate decision to weigh the Grocery's statement over a government mandated warning. Second, Plaintiff's own allegation that she "inquired" about the warning label demonstrates that she read the label, questioned the label, and made the deliberate decision to disregard the label. Her admission negates an essential element of strict liability—that the consumer lacks a "reasonable expectation" of the product's dangers. Third, even without the label, the decision to eat raw dairy, like raw fish, carries obvious risk of pathogens. Plaintiff as a consumer accepted the risk of illness to enjoy "in the wild" culinary experience that her husband previously enjoyed growing up in Eastern Europe. Compl, ¶ 21; *Clime*, 831 F. Supp. at 349.

Even if it is determined that the express warning—"not for human consumption"—goes outside the four corners of the complaint for purposes of the motion to dismiss, the Farm is nevertheless entitled to summary judgment on Count I. The undisputed evidence establishes that every container of raw milk sold by the Farm prominently displays the warning "Not For Human Consumption." Plaintiff admits in her pleadings that she observed this label and inquired about it before purchasing. Compl, ¶ 21. Under the undisputed facts, the label provided adequate warning and put Plaintiff on notice that the product was not intended for human consumption. This defeats all three theories of strict liability as a matter of law. Because there are no genuine issues of material fact regarding the adequacy of the warning or Plaintiff's actual knowledge of pathogenic uncertainty, summary judgment is appropriate.

II. Negligence

Duty, breach of that duty, and proximate cause are essential elements of a negligence claim. *Tank Tech, Inc. v. Valley Tank Testing, LLC*, 244 So. 3d 383, 392 (Fla. 2d DCA 2018). The Complaint does not satisfy any of these three elements.

A. Duty

Contrary to the indications of Paragraph 45 of the Complaint, no duty to Plaintiff arises by operation of the FDA's Good Manufacturing Practices Regulations and Chapter 500, Florida Statutes. Statutory duties do not satisfy the duty requirement of negligence claims but instead necessitates "other proof of the defendant's level of care." *Fla. Dep't of Corr. v. Abril*, 969 So. 2d 201, 209 (Fla. 2007) (Cantero, J., concurring in part and dissenting in part). Absent legislative intent to the contrary, a statute does not create a basis for actions sounding in negligence. *See Sorenson v. Prof'l Compounding Pharmacists of Western, P.A., Inc.*, 191 So. 3d 929 (Fla. 2d DCA 2016). Statutes and regulations designed to protect public health do not create a "legal duty" that can be enforced through a private right of action. *See Johnson v. Walgreen Co.*, 675 So. 2d 1036 (Fla. 1st DCA 1996).

To establish a duty enforceable in this negligence action, Plaintiff must do more than cite to statutes and regulations. Plaintiff must point to a specific particular duty of care that was breached. For example, Plaintiff identifies a duty to warn in paragraph 41 of the Complaint, but as set forth in Section I, the Farm did circulate a label specifically warning against the human consumption of raw milk. Plaintiff also refers to a "duty of ordinary care in the preparation, testing, packaging, labelling, marketing, distribution, and/or selling of the product," but fails to specify what specific act of preparation, et cetera, should have been performed.

B. Breach

Paragraph 44(c) alleges Defendants "fail[ed] to prevent human and/or animal feces from coming into contact with the product." But the Complaint does not actually allege that fecal matter

appeared in the milk consumed by Plaintiff, or what act or omission by the Farm caused exposure to fecal matter.

Paragraph 44 is merely a list of various generalized failures—“failing to prevent,” “failing to monitor,” “failing to apply their own policies and procedures”---without identifying specific policies that were not followed, or specific actions that should have been taken in processing raw milk. Compl. ¶ 44.

Finally, the Complaint fails to differentiate between the Farm and the Grocery. Paragraph 44 attributes various failures to “Defendants” collectively, but the Farm’s duties differ substantially from those of a retail seller. Compl. ¶ 44. The Complaint’s systematic ambiguous use of the term “Defendants” makes it virtually impossible for the Farm to answer the Complaint.

C. Proximate Cause

To the extent Plaintiff attempts to establish a breach through a DOH “trace back investigation,” such an investigation is not probative of proximate cause. *See Gooding v. University Hospital Bldg, Inc.*, 445 So. 2d 1015 (Fla. 1984). “In negligence actions Florida courts follow the more likely than not standard of causation and require proof that negligence probably caused the plaintiff’s injury.” *Gooding v. University Hospital Bldg, Inc.*, 445 So. 2d 1015 (Fla. 1984). Courts have expressly applied this test in favor of defendants of inherently dangerous substances, such as cigarettes, and rejected the argument that “absent a defendant’s negligence a plaintiff had a ‘better chance’ of avoiding such an injury.” *R.J. Reynolds Tobacco Co. v. Nelson*, 353 So. 3d 87, 91 (Fla. 1st DCA 2022). When causation is a matter of “pure speculation or conjecture, or the probabilities are at best evenly balanced,” the entry of summary judgment is appropriate. *KK_PB Fin., LLC v. Salazar Law, LLP*, (Fla. 3d DCA Jan. 21, 2026) (quoting *Gooding*, 445 So. 2d at 1018).

There is absolutely no evidence that Plaintiff can point to indicating that Plaintiffs’ injuries were “more likely than not” caused by raw milk. The pathogens described in the Complaint do

not cause miscarriage. _____. Further, the DOH report “linking” illness to the sale of raw milk is not indicative of causation. It is in fact more likely that individuals who purchased milk engaged in some other activity leading to their illness, such as the consumption of other foods from various sources. Ex. 2 (Affidavit of Margaret E. Coleman, M.S.)

III. Breach of Implied Warranty

Plaintiff's breach of implied warranty claim is invalid. The Florida Supreme Court has “abolished the no-privity, breach of implied warranty cause of action for personal injury based upon its adoption of the doctrine of strict liability in tort.” *Kramer v. Piper Aircraft Corp.*, 520 So. 2d 37, 39 (Fla. 1988). Because the Complaint does not allege contractual privity between the Farm and Plaintiff, the Complaint does not contain a cognizable breach of warranty claim against the Farm.

WHEREFORE it is respectfully requested that:

- 1) With respect to the strict liability claim, that such claim be dismissed or alternatively adjudicated in favor of the Farm on summary judgment; and
- 2) With respect to the negligence claim, that such claim be dismissed.
- 3) With respect to the breach of warranty claim, that such claim be dismissed

Respectfully submitted,

/s/ Sharmin R. Hibbert
Sharmin R. Hibbert, Esq.
Fla. Bar No. 32569
sharmin@jhaskins.law
J Haskins Law, PA
1305 Barnard St # 856
Savannah, GA 31401
Telephone: (863) 399-6245
Attorney for Defendants

CERTIFICATE OF SERVICE

I CERTIFY that a copy of this document has been electronically filed through the Florida Courts E-Filing Portal and service made to opposing counsel, Caroline P. Newsome, Esquire newsometeam@newsomelaw.com and Ron Simon, Esquire (pro hac vice forthcoming) ron@rsaalaw.com and Anthony C. Coveny, Esquire (pro hac vice forthcoming) tony@rsaalaw.com on February 9, 2026.

Respectfully submitted,:

/s/ Sharmin R. Hibbert
Sharmin R. Hibbert
Fla. Bar No. 32569
sharmin@jhaskins.law
J Haskins Law, PA
78 Folly Road Ste B9
Charleston, SC 29407
Telephone: (727) 371-9730
Attorney for Defendant Keely Farms



*As required by the Federal Pasteurized Milk Ordinance and Florida Statute 502.091,
which forbid the sale of unpasteurized milk products for human consumption,
our products are labeled:
"Not for Human Consumption" and sold as "Feed for Calves."*

We are LEGALLY REQUIRED to include these statements on our product labels.



Raw Milk, Naturally

We raise miniature Jersey cows that are well suited to grazing. Our current herd is over 100 animals, many of them heifers who will be milking in the next year. Each of our cows has a name and is an important member of our farm family. Our small herd grazes nearly 100 acres on our main farm and lounges in the shade under mature oak trees and next to clear, spring fed ponds.



Raw milk, Safely

Our raw milk is milked and then processed in a clean environment with American made, stainless steel, grade A quality equipment. We use in-line filter during milking to be sure no dirt gets in our milk. We chill the milk immediately after it leaves the cow. We test our cows frequently. We test at dairy labs to asses milk quality.

Current fb

From Keely Exum <keely2682@icloud.com>
Date Mon 2/9/2026 11:23 AM
To Sharmin Hibbert <Sharmin@jhaskins.law>; Jesse Haskins <jesse@jhaskins.law>

11:22

5G



What's on your
mind?



Keely Farms Dairy



10K likes • 12K followers • 1.8

Grassfed, RAW Jersey milk dairy - Raw sold "Not for human consumption" and "feed for calves." It is labeled as per FL Law (Fla. Stat. § 580.051).

We support and promote dairies, family farms, and local agriculture.

Keely Exum
Keely Farms Dairy
386-314-5111



Keely Farms Dairy LLC
2431 S Glencoe Road
New Smyrna Beach, FL 32168

RAW MILK

nutritional analysis - fat (min.) 4%,
protein (min.) 3%, fiber (max) 1%

Due to the requirements of Florida Law and the Pasteurized Milk Ordinance,
this product is labeled

Feed for Calves- Not for Human Consumption

FREE Home Delivery - Call or text 386-690-5199

www.keelyfarmsdairy.com

STATE OF FLORIDA

LICENSE NUMBER: Z002765



APPROVAL DATE: 07/01/2024

EXPIRATION DATE: June 30, 2025

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

DIVISION OF AGRICULTURAL ENVIRONMENTAL SERVICES BUREAU OF LICENSING AND ENFORCEMENT

FEED MASTER REGISTRATION

This certifies that the named applicant has complied with the administrative requirements of Chapter 580, Florida Statutes, and is hereby authorized to distribute commercial feeds and customer-formula feeds for use in the State of Florida from the date approved, until canceled by the Commissioner of Agriculture or until withdrawn or discontinued by the registrant by written notice to the Commissioner.

REGISTRANT NAME & ADDRESS:

Keely farms dairy llc
2399 south glencoe road
New Smyrna beach, FL 32168

A black ink signature of the name "WILTON SIMPSON".

WILTON SIMPSON
COMMISSIONER OF AGRICULTURE

IN THE CIRCUIT COURT OF THE EIGHTEENTH
JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA

RACHEL MADDOX, individually and as
parent and legal guardian of L.U., a minor,

Plaintiff,

Case No.:

Division:

v.

KEELY FARMS DAIRY LLC. AND
NATURE'S NATURAL FOODS LLC
D/B/A WILD HARE NATURAL MARKET,

Defendants.

/

AFFIDAVIT OF KEELY EXUM

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally
appeared Keely Exum, who being first duly sworn, deposes
and says:

1. My name is Keely Exum. I am over the age of eighteen years, am competent to testify, and make this affidavit based upon my personal knowledge of the facts stated herein.
2. I am the principal officer of Keely Farms Dairy LLC ("Keely Farms"), a Florida limited liability company with its principal place of business at 2431 South Glencoe Road, New Smyrna Beach, Florida 32168.
3. I have personal knowledge of Keely Farms' operations, including its production, labeling, and sale of raw milk products.

4. Keely Farms has maintained a Feed Master Registration since it opened on August 12, 2014. To obtain such registration, Keely Farms was required to affix the statement "Not for human consumption" on raw milk and did in fact do so. The Florida Department of Agricultural and Consumer Services (FDACS) has confirmed Keely Farms' compliance with statutory labeling requirements through periodic unscheduled inspections.

-
-

LABELING REQUIREMENTS AND PRACTICES

5. Since approximately 2018 and continuing through the present, every container of raw milk sold by Keely Farms has contained a label with the following text: "Due to the requirements of Florida Law and the Pasteurized Milk Ordinance, this product is labeled Feed for Calves – Not for Human Consumption." A copy of the label as it appears on the container is attached as Exhibit 1. Keely Farms has used identical labels continuously since 2018. Even before then, the phrase "Not for Human Consumption" appeared on the label.

6. The phrase "Not for Human Consumption" appears prominently on the label.

7. The label attached as Exhibit 1 was used on all raw milk products sold by Keely Farms during June 2025, which is when Plaintiff alleges she purchased raw milk.

8. Keely Farms has never sold raw milk products without this warning label.

WEBSITE WARNINGS

9. Keely Farms maintains a website that provides information about its products. The website has contained, at all relevant times, a statement that raw milk products are labeled "Not for Human Consumption" and sold as "Feed for Calves" as required by Florida law. A copy of this webpage is attached as Exhibit 2 and incorporated by reference.

10. The website warnings referenced in paragraph 9 were present on the Keely Farms website during June 2025 when Plaintiff alleges she purchased the product. I have maintained substantially the same warnings on my website around the time I established Keely Farms on September 20, 2014.

FACEBOOK PAGE WARNINGS

11. Keely Farms maintains a Facebook page ("Keely Farms Dairy") to communicate with customers and the public. This Facebook page has displayed a message stating that the product is "Feed for Calves" and "Not for Human Consumption" since I established a website around the time of incorporating Keely Farms on September 20, 2014.

12. In late 2025, I added the specific Florida Statute citation to the Facebook page warning, but the substantive content stating "Feed for Calves" and "Not for Human Consumption" has been displayed on the Facebook page since long before June 2025. A true and accurate screenshot of the current Facebook page is attached as Exhibit 3.

FACEBOOK GROUP

13. I am a member of a Facebook group known as "Florida Raw Milk" that serves as a forum where suppliers and consumers of raw milk in Florida can connect. I do not own or control the group or have editorial influence over its content.

14. The "About" section of the Florida Raw Milk Facebook group contains a warning stating: "The State of Florida prohibits the sale of raw milk for human consumption (Florida Statutes 502.091). Raw milk can only legally be sold for pet consumption."

15. Based on my memory of viewing this Facebook group, this warning in the "About" section of the Florida Raw Milk Facebook group predates August 5, 2025, when the current group moderator took over administration of the group. The warning was placed there by a previous moderator and has remained in place continuously,

including during June 2025 when Plaintiff alleges she purchased raw milk. A true and accurate screenshot of the current "About" section of the Florida Raw Milk Facebook group is attached as Exhibit 4.

NO DIRECT SALES TO PLAINTIFF

16. Keely Farms did not sell any raw milk products directly to Plaintiff Rachel Maddox. According to the Complaint, Plaintiff purchased raw milk from a retail store called Wild Hare Natural Market in Longwood, Florida.

17. Wild Hare Natural Market is not owned, operated, or controlled by Keely Farms. The employees of Wild Hare Natural Market are not employees, agents, or representatives of Keely Farms.

18. I have no knowledge of what, if anything, any employee, associate, or visitor of Wild Hare Natural Market told Plaintiff about Keely Farms' raw milk products or their labels.

19. Any raw milk products sold by Wild Hare Natural Market that were produced by Keely Farms would have borne the warning label described in paragraph 7 above at the time they left Keely Farms' possession and control.

NEGATIVE TEST RESULTS FOR PATHOGENS

20. On August 4, 2025, the Florida Department of Health issued a press release referring to "continued recent cases of *Campylobacter* and Shiga toxin-producing *E. coli* (STEC) infections linked to a particular farm."

21. That day, to ensure the safety of milk produced at Keely Farms, I extracted samples of milk to submit for testing by independent labs.

22. These laboratories confirmed negative results for *Campylobacter*, Mastitis Culture, and *E. Coli*, meaning that these pathogens did not appear in Keely Farms Milk. Copies of these laboratory results are attached as Composite Exhibit 5.

FURTHER AFFIANT SAYETH NOT.

Keely Exum
Keely Exum

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me by
means of physical presence or online notarization this
9th day of February, 2026, by Keely Exum,
who is personally known to me or has produced
as identification.



Jessica E. Miller

Notary Public, State of Florida
Print Name: Jessica E. Miller
Commission No.: HH 579267
My Commission Expires: 8/6/2028

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Raw Milk Update

Florida Department of Health sent this bulletin at 08/04/2025 09:10 AM EDT

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Monday, August 04, 2025

Florida Department of Health Provides Update on Raw Milk

Tallahassee, Fla.—The Florida Department of Health is providing an update on raw milk availability in the Northeast and Central Florida regions.

What is Raw Milk

Raw milk is milk from cows, sheep, goats, or other animals that has not been pasteurized, a heat-treating process that destroys potentially harmful bacteria. Consumers have reported benefits of raw milk consumption, including better taste and protective effects for asthma and allergies.

In Florida, raw milk can only be sold for non-human consumption as pet or animal food, which limits regulation efforts of sanitary practices. Containers must have a label clearly stating that the raw milk is for animal consumption only.

Floridians should be aware of potential risks associated with consumption, which may vary depending on the source of milk. The producer's handling of raw milk and milking procedures are vital in prevention of contamination. Many people consume raw milk safely. However, raw milk can contain disease-causing bacteria, such as *Campylobacter*, *Escherichia coli* (*E. coli*), *Listeria*, *Salmonella*, and others. These bacteria can cause gastrointestinal illness, including diarrhea, vomiting, and stomach cramps.

Information on the Consumption of Raw Milk in the Northeast/Central Florida Region

Due to continued recent cases of *Campylobacter* and Shiga toxin-producing *E. coli* (STEC) infections linked to a particular farm, the Florida Department of Health is providing information to assist Floridians in making informed decisions about their health. Sanitation practices in this farm are of particular concern due to the number of cases. There have been 21 cases, including six children under the age of 10, and seven hospitalizations linked to consumption of raw milk from the same farm. Severe complications have been reported for at least two cases.

STEC bacteria in its most severe form can result in hemolytic uremic syndrome (HUS) which is characterized by hemolysis and kidney failure, which is of particular concern for children. Groups at higher risk for severe illness include infants and young children, pregnant women, elderly individuals, and those with weakened immune systems.

Floridians are encouraged to use this information to make informed decisions about their health and sources of raw milk should they choose to consume it.

###

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08/07/25 Florida Department of Health Issues Update on Raw Milk Advisory

Florida Department of Health sent this bulletin at 08/07/2025 09:00 AM EDT

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Thursday, August 07, 2025

08/07/25 Florida Department of Health Issues Update on Raw Milk Advisory

Tallahassee, Fla.—The Florida Department of Health is providing an update on raw milk availability in the Northeast and Central Florida regions.

What is Raw Milk

Raw milk is milk from cows, sheep, goats, or other animals that has not been pasteurized, a heat-treating process that destroys potentially harmful bacteria. Consumers have reported benefits of raw milk consumption, including better taste and protective effects for asthma and allergies.

In Florida, raw milk can only be sold for non-human consumption as pet or animal food, which limits oversight of sanitary practices. Containers must have a label clearly stating that the raw milk is for animal consumption only.

Floridians should be aware of potential risks associated with consumption, which may vary depending on the source of milk. The producer's handling of raw milk and milking procedures are vital in prevention of contamination. Many people consume raw milk safely. However, raw milk can contain disease-causing bacteria, such as *Campylobacter*, *Escherichia coli* (*E. coli*), *Listeria*, *Salmonella*, and others. These bacteria can cause gastrointestinal illness, including diarrhea, vomiting, and stomach cramps.

Information on the Consumption of Raw Milk in the Northeast/Central Florida Region

Due to continued recent severe cases of *Campylobacter* and Shiga toxin-producing *E. coli* (STEC) infections linked to **Keely Farms Dairy**, located in New Smyrna Beach, FL (Volusia County), the Florida Department of Health is providing information to assist Floridians in making informed decisions about their health. Sanitation practices in this farm are of concern due to the number of cases. There have been 21 cases since January 24, 2025, including six children under the age of 10, and seven hospitalizations linked to consumption of raw milk from this farm. Severe complications have been reported in at least two cases.

The Florida Department of Health will continue working with Keely Farms Dairy to ensure that effective sanitation practices are implemented consistently across every batch.

STEC bacteria in its most severe form can result in hemolytic uremic syndrome (HUS) which is characterized by hemolysis and kidney failure, which is of particular concern for children. Groups at higher risk for severe illness include infants and young children, pregnant women, elderly individuals, and those with weakened immune systems.

Floridians are encouraged to use this information to make informed decisions about their health and sources of raw milk should they choose to consume it.

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AFFIDAVIT OF MARGARET E. COLEMAN

Sworn February 9, 2026

1. I, Margaret E. Coleman, MS, MS, of the Town of Groton, in Tompkins County, New York State, United States of America, medical microbiologist and risk analyst specializing in microbial risk assessments for all transmission sources (animal contact, environmental, food, person-to-person, and water), make oath and say as follows:
2. I have a personal knowledge of and expertise in all matters I depose to, except where I refer to studies whose findings and conclusions I believe to be sound and true. I consider all studies I rely upon in this affidavit as authoritative and believe that my scientific colleagues regard them as authoritative as well. In my affidavit, I also criticize certain documents that I do not consider to be authoritative as to the scientific rigor of the evidence.
3. My academic training includes two graduate degrees (MS, biology/biochemistry, Utah State University and MS, medical microbiology, University of Georgia), the latter earned as part of a special study in microbial risk analysis while employed by the USDA Food Safety and Inspection Service (FSIS). Upon completing this degree, I was assigned to a newly forming staff of risk analysts to evaluate studies involving epidemiologic and microbiology and veterinary research as applied to human health risk assessment for consumers. In my 18 years of service at FSIS, I contributed to risk assessment teams on campylobacteriosis, *Clostridium perfringens* illnesses, *E. coli* O157:H7 illnesses, listeriosis, and salmonellosis.

4. In 2005, I accepted a position at Syracuse Research Corporation (SRC) to start up a new business area in microbial risk assessment. Most of my work in 5 years of service at SRC extended my expertise to biothreat agents including those causing anthrax and tularemia, as well as incorporation of assessment of data quality and utility as part of new methodology for developing safe exposure levels for bacterial and viral biothreats in the environment (contact with contaminated surfaces, indoor and outdoor air, soil, water), food, and person-to-person disease transmission,
5. From 2010 to present, I have consulted as sole-proprietor, medical microbiologist, and risk analyst for Coleman Scientific Consulting, a woman-owned business registered in upstate NY. Much of my consulting work since 2014 focused on the microbiota of raw milks, human breastmilk and bovine milk produced for direct human consumption. My curriculum vitae (Exhibit "A") provides documentation of this work, emphasizing evaluation and analysis of epidemiologic and immunological data relevant to assessing benefits and risks of pasteurizing donor breastmilk and bovine milk. My teams have published a series of peer-reviewed studies that demonstrate the loss of the benefits associated with the depletion or destruction of the raw milk microbiota and other thermally sensitive bioactive components of raw milks by pasteurization.
6. As an expert in medical microbiology and risk analysis recognized in multiple previous court cases, I have been asked to submit an affidavit that describes and comments upon the latest research insights respecting the risks and health benefits of fresh unprocessed **(raw) milk** produced for direct human consumption. I summarize the body of scientific evidence about hygienically produced raw milk that is intended to communicate risks to decision makers and the public, and to inform public policy and legal judgments.

7. I consider it my duty and undertake to:
 - (a) provide opinion evidence that is fair, objective and non-partisan;
 - (b) provide opinion evidence that is related only to matters that are within my area of expertise; and
 - (c) provide such additional assistance as the Court may reasonably require to determine the matters in issue.
8. Now seen by me and marked as "Exhibits "A" and "B" to my affidavit are true copies of my curriculum vitae and my publications in the fields of epidemiology, medical microbiology, and microbial risk assessment.
9. I have also prepared a set of slides setting out graphically and summarily the points I make in my affidavit. These are marked as Exhibit "C" to my affidavit.

Claims made in the Complaint by Rachel Maddox

10. A Complaint was filed by Rachel Maddox against Keeley Farms Dairy alleging the FL Department of Health (FL DoH) conducted a "traceback investigation" in midsummer of 2025 that retrospectively attributed 21 human illnesses associated with pathogenic *E. coli* (O157:H7 and O26) and campylobacteriosis to consumption of Keely Farms Dairy raw milk between January 24th and August 4th. The Complaint alleged that FL DoH "indicated that improper sanitation was likely the cause".

Outbreak Investigation

11. The US Centers for Disease Control and Prevention (CDC, 2025)¹ provides training and guidance in outbreak investigation, including a ten-step process for investigators. Recent

¹ **CDC Field Epidemiology Manual. Chapter 3. Conducting a Field Investigation** (last updated 6 Jan 2025; <https://www.cdc.gov/field-epi-manual/php/chapters/fieldinvestigation.html>).

peer-reviewed studies emphasize the importance of systematic hypothesis testing to link known sources of pathogens to persons, places and times of illness onset (White et al., 2021)² and applications of root cause analysis in outbreak investigations (McClure et al., 2023; Mokhtari et al., 2023; Belias et al., 2024)³. Multiple studies (Jaros et al., 2008; Lyu et al., 2025)⁴ evaluated the quality of epidemiologic studies and the strength of causal inferences possible from the studies. Hedberg and colleagues (2024)⁵ acknowledge that during the heat of an epidemiologic investigation even with some whole genome sequencing data, choices made based on incomplete information must be subject to critical oversight and training to remove bias and improve practice for appropriate triggering of public health communication based on sound evidence.

12. Consistent with the epidemiologic investigation sources introduced above, the key evidence required from an epidemiologic investigation to establish a link between a food and clinical cases includes the following: i) a root cause analysis that considered all foods commonly associated with the suspected pathogens and eaten by the cases in the days prior to onset of illness; ii) isolation of the same strains of pathogens from the clinical

² **White**, A. E., Smith, K. E., Booth, H., Medus, C., Tauxe, R. V., Gieraltowski, L., & Scallan Walter, E. (2021). Hypothesis generation during foodborne-illness outbreak investigations. *American Journal of Epidemiology*, 190(10), 2188-2197.

³ **McClure**, M., Whitney, B., Gardenhire, I., et al. (2023). An Outbreak Investigation of *Salmonella* Typhimurium Illnesses in the United States Linked to Packaged Leafy Greens Produced at a Controlled Environment Agriculture Indoor Hydroponic Operation - 2021. *Journal of Food Protection*, 86(5), 100079; **Mokhtari**, A., Pang, H., Santillana Farakos, S., et al. (2023). Leveraging risk assessment for foodborne outbreak investigations: The Quantitative Risk Assessment-Epidemic Curve Prediction Model. *Risk Analysis*, 43(2), 324-338; **Belias**, A., Bolten, S., Orsi, R. H., & Wiedmann, M. (2024). Application of environmental monitoring programs and root cause analysis to identify and implement interventions to reduce or eliminate *Listeria* populations in apple packinghouses. *Journal of Food Protection*, 87(8), 100324.

⁴ **Jaros**, P., Cogger, N., & French, N. (2008). A systematic review of the human disease evidence associated with the consumption of raw milk and raw milk cheeses. *Massey University*, 92, 5; **Lyu** Y, Wu C, Li L, Pu J. (2025). Current Evidence on Raw Meat Diets in Pets: A Natural Symbol, but a Nutritional Controversy. *Animals*15(3):293.

⁵ **Hedberg**, C. W., Firestone, M. J., & Bender, J. B. (2024). Recurring bacterial strains, subclusters, and the importance of practising lessons learned. *Epidemiology & Infection*, 152, e171.

cases and the implicated foods and absence of those strains in other foods commonly causing these illnesses; and iii) demonstration of evidence for exposure to the contaminated food and illness in the entire January 24th to August 4th timeline reported for the 21 cases. In addition, information linking the cases, presumably residing in Volusia County or the wider geographical region served by Keely Farms Dairy, in time and space with confirmed consumption of Keely Farms Dairy raw milk in the days prior to illness. Survey instruments and interviews of cases and controls alone that may suggest raw milk consumption as the suspect food prior to illness provide insufficient epidemiologic and microbiological evidence to link a food to a clinical case, even with some whole genome sequencing data.

13. The FL DoH website (<https://volusia.floridahealth.gov/programs-services/infectious-disease-services/foodborne-and-waterborne-disease/>) describes DoH-Volusia Epidemiology and Environmental Health staff serving the county where Keely Farms Dairy is located as “routinely partnering with other state, local and regional agencies and personnel to investigate illness outbreaks”. However, no procedures such as the ten-step CDC process (see Exhibit “D”) were listed on the FL DoH website to guide field investigations, including testing and confirmation of the same pathogen strain in clinical and food samples and environmental samples. In fact, it seems that FL counties operate on a ‘complaint’ system that was insufficiently rigorous to establish epidemiologic and microbiological links between cases and foods. It is uncertain if FL DoH properly investigated the alleged outbreak associated with Keeley Farms Dairy since the lack of evidence provided to date suggests that contaminated raw milk was merely a hypothesis that was insufficiently tested to confirm a link to the cases. Further, it is not clear that the

incubation periods for the three pathogens infecting the 21 cases were consistent with their exposures to allegedly contaminated Keeley Farms Dairy raw milk prior to illness.

14. It is unclear if the FL DoH “traceback investigation” followed established procedures or collected sufficient epidemiologic and microbial evidence to establish a link between the 21 cases and 3 pathogens to raw milk from Keeley Farms Dairy. It is unclear if FL DoH considered multiple sources and tested their hypotheses, or if the sole focus of the investigation was on raw milk as the single potential source, excluding foods more likely contaminated and linked to higher burdens of foodborne illness. None of the evidence expected for a thorough epidemiologic investigation (e.g., food diaries for at least 3 days prior to disease onset for the 21 cases, laboratory reports from sanitation testing on the farm and from milk testing for bacterial indicators of sanitation and for pathogens) was provided in the Complaint. Nor did the FL DoH provide such information from a recent record request, denying the request and stating that the investigation was ongoing.
15. Recent CDC data (Stephenson et al., 2024)⁶ documented no raw milk outbreaks among 162 reported for years 2005-2020 where both *E. coli* and *Campylobacter* were implicated. No raw milk outbreaks were reported in FL in this period despite continuous legal access under pet food licenses that did not require microbial testing. A single raw milk outbreak in Washington State reported 6 illnesses, no hospitalizations and no deaths associated with *E. coli* O26 strains, among 162 raw milk outbreaks reported in this period. *Campylobacteriosis* accounted for 1,570 cases from raw milk outbreaks reported from 2005-2020, and illness associated with *E. coli* O157:H7 accounted for 158 illnesses.

⁶ Stephenson, M. M., Coleman, M. E., & Azzolina, N. A. (2024). Trends in burdens of disease by transmission source (USA, 2005–2020) and hazard identification for foods: focus on milkborne disease. *Journal of Epidemiology and Global Health*, 14(3), 787-816.

Further, the 162 raw milk outbreaks in this period that reported dates of first and last illnesses had a mean outbreak period of 25.6 days, much less than the 8-month period investigated retrospectively by FL DoH, purportedly linking consumption of Keely Farms Dairy raw milk to 21 cases of campylobacteriosis or *E. coli*.

16. CDC data attributed most of the burdens of illness over a recent 16-year period (Stephenson et al., 2024) to foods other than raw milk: for campylobacteriosis, 66% of the burden of illness was attributed to pasteurized milk, chicken, bivalves, leafy greens and beef); and for Shiga-toxigenic *E. coli*, 95% of the burden of illness was attributed to leafy greens, beef, pome fruits, chicken, pork, and grains. If the food diaries of the 21 cases included these foods, they may well have contributed to illness in this period and should have been considered as potential sources and investigated by the FL DoH.
17. The Complaint provided no evidence to test the assumption that all 3 pathogens arose from a single source or that the source was raw milk from Keeley Farms Dairy. Nor was evidence provided to test the assumption that raw milk from Keeley Farms Dairy was contaminated by all 3 pathogens and caused all 21 cases in a single outbreak that allegedly began in January and was not reported until August 4th.

Toddler's Hospitalizations

18. The Complaint states that: i) the Mother (Rachel) bought the raw milk in June but does not provide the date of purchase; ii) the Mother and her husband fed the toddler the raw milk but does not provide dates of consumption; and iii) the Mother did not consume raw milk, drink any. The claim does not state that the husband drank the raw milk or that he became ill.

19. The Complaint states that the toddler developed severe illness on June 8th. However, because no details were provided on dates of consumption, the incubation period before illness onset cannot be established for the toddler, unless additional documentation is provided.
20. The Complaint states that the toddler required 3 emergency room visits:
 - i) June 9-12, reporting severe gastroenteritis with isolation of unspecified *E. coli* and *Campylobacter*;
 - ii) June 14-16, reporting bloody stools and requiring surgery for intussusception (a structural abnormality or pathological process in which a segment of bowel twists and retracts on itself into the adjacent intestine, folding or telescoping into an adjacent segment, potentially leading to obstruction), and concern about possible hemolytic uremic syndrome (HUS); and
 - iii) June 17-19, reporting bloody stools and abdominal pain requiring additional treatment after release.

The Complaint did not mention pathogen detections during the second two hospitalizations that might indicate infectious disease involvement, or any details about administration of antibiotics or treatments other than surgery to repair intussusception.

The complaint did not report a diagnosis of HUS that might potentially be linked to Shiga-toxigenic *E. coli*, *Shigella dysenteriae*, or *Streptococcus pneumoniae*, nor was any diagnosis or complication reported linked to campylobacteriosis reported.

21. The fact that the Complaint did not identify the subtype of the *E. coli* strain isolated from the toddler is concerning and potentially misleading. Most *E. coli* are non-pathogens, including: generic (Biotype 1) *E. coli*, a ubiquitous non-pathogen commonly isolated

from humans, animals, plants, soil; and water; and *E. coli* Nissle 1917, a specific probiotic and active component of a microbial drug (Mutaflor®) with therapeutic applications against many gastrointestinal diseases including diarrhea, diverticulitis, and colitis (Scaldaferri et al., 2016)⁷. Most cases of pathogenic *E. coli* reported in the US are associated with subtype O157:H7, and minor portions of the burden of *E. coli* illnesses are due to other types including O26 mentioned on pages 3 and 4 of the Complaint. However, the Complaint from point 16 onwards does not identify a pathogenic subtype of '*E. coli*' but merely uses the generic term. Thus, it is unclear from the Complaint if any pathogenic *E. coli* strains were detected in Keely Farms Dairy raw milk or if the toddler was infected by a pathogenic *E. coli* or not. If so, it is also unclear if that pathogenic *E. coli* subtype was detected in all three of the toddler's hospitalizations or only the first. If only the first, the Complaint does not provide sufficient information to determine if infection contributed to the latter two hospitalizations.

22. Medical studies (Kelley-Quon et al., 2021; Guo et al., 2025)⁸ report viral gastroenteritis, anatomical irregularities of the intestine, and polyps as common causes of intussusception in children under 3, not bacterial infections caused by *E. coli* or *Campylobacter* as assumed in the Complaint. These peer-reviewed studies reported that the structural abnormalities of intussusception alone can be associated with bloody stool and vomiting. As stated previously, the Complaint provides no evidence documenting continued

⁷ Scaldaferri, F., Gerardi, V., Mangiola, F., Lopetuso, L. R., Pizzoferrato, M., Petito, V., Papa, A., Stojanovic, J., Poscia, A., Cammarota, G., & Gasbarrini, A. (2016). Role and mechanisms of action of Escherichia coli Nissle 1917 in the maintenance of remission in ulcerative colitis patients: An update. *World Journal of Gastroenterology*, 22(24), 5505–5511.

⁸ Kelley-Quon, L. I., et al. (2021). Management of intussusception in children: a systematic review. *Journal of pediatric surgery*, 56(3), 587-596; Guo, H., et al. (2025). Clinical manifestation and treatment of intussusception in children aged 3 months and under: a single centre analysis of 38 cases. *BMC Pediatr* 25, 233.

presence or growth in the toddler's intestine of the pathogens allegedly obtained from consuming raw milk, pathogens only reported as detected during the first hospitalization.

Mother's Hospitalizations

23. The Complaint stated that although the **Mother did not drink the raw milk**, she reported seeking medical care on June 13th for "ongoing diarrhea, vomiting, fever, abdominal pain, and chills". Further, the Complaint stated that: the Mother was hospitalized for 2 days because she was "pregnant and dehydrated"; her stool culture was positive for *Campylobacter*; and that she was told by unidentified persons that she had contracted campylobacteriosis in caring for her sick toddler. It is unclear if the strains isolated from the toddler and the Mother were identical by whole genome sequencing, or if the human clinical strains were identical to strains presumably isolated from Keeley Farms Dairy raw milk.

24. The onset of the Mother's "ongoing diarrhea" was not reported as beginning prior to or following illness of the toddler. Note that the toddler was severely ill on June 8th and hospitalized from June 9th to 12th. The period of hospitalization suggests that hygienic procedures of the hospital may have prevented or minimized the potential for transmission of infectious material from the toddler to the Mother during that hospital stay. It is unclear if any epidemiologic or microbiological evidence supports the hypothesis that the sick toddler caused the Mother's "ongoing diarrhea" via person-to-person transmission, allegedly prompting the Mother's hospitalization on June 13th.

25. Person-to-person transmission accounted for 841,184 illnesses from 2005-2020 (Stephenson et al., 2024)⁹, predominantly viral and extremely few attributed to secondary transmission of campylobacteriosis. Secondary transmission accounted for only 3 campylobacteriosis cases among 1,570 cases associated with raw milk and 4,598 total campylobacteriosis cases associated with contaminated foods in this period. The Mother's food diary for the days prior to her illness may reveal a more likely source of other foods contributing to high proportions of the burden of illness for campylobacteriosis (pasteurized milk, chicken, bivalves, leafy greens and beef; Figure 7a, Stephenson et al., 2024).

26. The Complaint stated that on June 18-20th, the Mother was readmitted after her 19- to 20-week-old fetus died, and she was diagnosed with sepsis. No pathogen causing sepsis was identified in the Complaint. She was readmitted on June 21-24th and from June 30th and tested by lumbar puncture for presence of a pathogen, though no results of detection of a pathogen were reported in the Complaint. She was discharged July 7th.

27. Neither *Campylobacter* nor *E. coli* allegedly linked to Keeley Farm Dairy raw milk are demonstrated to cause increased risk of miscarriage based on recent peer-reviewed studies listed below (Dafallah and Abdallah, 2023; Kostova et al., 2023; Zho et al., 2024)¹⁰. The following pathogens were linked to increased risk of miscarriage:

⁹ Stephenson, M. M., Coleman, M. E., & Azzolina, N. A. (2024). Trends in burdens of disease by transmission source (USA, 2005–2020) and hazard identification for foods: focus on milkborne disease. *Journal of Epidemiology and Global Health*, 14(3), 787-816.

¹⁰ Dafallah, S. E., & Abdallah, A. M. (2023). The most common infections in pregnancy and their linked to miscarriage. *World Journal of Advanced Research and Reviews*, 18(1), 600-3; Kostova, E. B., Prins, J. R., & van Wely, M. (2023). Role of infections in miscarriage. *Fertility and Sterility*, 120(5), 948-950.; Zhou, J., Yin, J., Xu, Y., & Wang, H. (2024). Unveiling the truth: Pathogen infections linked to miscarriage: A STROBE-Compliant Mendelian randomization study. *Medicine*, 103(47), e40627.

- i) causal associations for several human herpesviruses (HHV-1, HHV-3, HHV-4, HHV-6, and HHV-7), polyomaviruses (BK, JC, and Merkel cell polyomaviruses), and *Chlamydia trachomatis* (Zho et al., 2024);
- ii) strong or clear evidence for bacterial pathogens (causing syphilis, gonorrhea, bacterial vaginosis, brucellosis, listeriosis, and salmonellosis), viral pathogens (causing rubella, HIV, and CMVHSV, hepatitis B, Zika, dengue, influenza) and protozoan pathogens (causing malaria and toxoplasmosis) (Kostova et al., 2023); and
- iii) associations for *Toxoplasma gondii*, Cytomegalovirus (CMV), *Chlamydia trachomatis*, *Listeria monocytogenes*, Rubella, and Human papillomaviruses (HPV) (Dafallah and Abdallah, 2023).

Evidence for Manufacturing Defect

28. The Complaint provided no evidence supporting the claim that a manufacturing defect occurred or that Keely Dairy Farms raw milk tested positive for *Campylobacter* and unidentified *E. coli* strains. Reports from a laboratory certified to conduct testing and confirmation for both pathogens in milk would be required throughout the presumed period of the outbreak (January 24th to August 4th) in order to link the 21 cases in time and space to Keely Dairy Farms raw milk as the implicated food.

29. Neither is the presence of a pathogen sufficient to predict unreasonable danger of foodborne illness. Assessing risk of illness would require information on the levels of pathogens and beneficial bacteria, levels of pathogen decline or growth, data on the amount consumed, and the relationship between exposure and likelihood and severity of illness (dose-response assessment) (Marks et al., 1998; Codex Alimentarius

Commission, 1999; Hamilton et al., 2025)¹¹. No such evidence was presented or referenced in the Complaint.

30. Keeley Farms Dairy was operating in the state of FL under the legal requirements of a pet milk license, including complying with the requirement for labeling raw milk as pet milk not for human consumption. No microbial testing and monitoring is required by the state of FL for pet milk. Where monitoring data for raw milk produced for direct human consumption are documented (Dietert et al., 2022), rates of positives for campylobacter were low (93 positives/9,740 tested, <1% positive; Table 1 in Dietert et al., 2022), in contrast to monitoring data for pre-pasteurized milk (up to 10.9% positive, Williams et al., 2023¹²) or chicken (up to 50% positive, Rivera et al., 2025¹³). The dense and diverse raw milk microbiota likely contributes to the suppression of potential growth of *Campylobacter*, as well as *E. coli* O157:H7, *Salmonella*, and *Listeria*, in properly refrigerated raw milk (Coleman et al., 2023)¹⁴.
31. CDC data for 2005-2020 reported 1,873 campylobacteriosis cases in pasteurized milk and 1,570 cases in raw milk (Stephenson et al., 2024)¹⁵. In this period, 4 deaths were

¹¹ Marks, H. M., Coleman, M. E., Lin, C. T. J., & Roberts, T. (1998). Topics in microbial risk assessment: dynamic flow tree process. *Risk Analysis*, 18(3), 309-328; Codex Alimentarius Commission (1999). Principles and Guidelines of Microbiological Risk Assessment. Available from: <http://www.fao.org/3/y1579e/y1579e05.htm>; Hamilton, K. A., Quon, H., Ashbolt, N. J., Gurian, P. L., Reynaert, E., Haas, C. N., ... & Wilson, A. M. (2025). Making waves: Moving beyond the 1 in 10,000 benchmark in quantitative microbial risk assessment (QMRA) through evidence-informed risk approaches and systems decision-making. *Water Research*, 124903.

¹² Williams, E. N., Van Doren, J. M., Leonard, C. L., & Datta, A. R. (2023). Prevalence of *Listeria monocytogenes*, *Salmonella* spp., Shiga toxin-producing *Escherichia coli*, and *Campylobacter* spp. in raw milk in the United States between 2000 and 2019: A systematic review and meta-analysis. *Journal of food protection*, 86(2), 100014.

¹³ Rivera, R. E., Thippareddi, H., Kumar, S., & Singh, M. (2025). Survey of US broiler establishments on *Campylobacter* Performance standards for parts. *Poultry Science*, 105924.

¹⁴ Coleman, M. E., Oscar, T. P., Negley, T. L., & Stephenson, M. M. (2023). Suppression of pathogens in properly refrigerated raw milk. *Plos One*, 18(12), e0289249.

¹⁵ Stephenson, M. M., Coleman, M. E., & Azzolina, N. A. (2024). Trends in burdens of disease by transmission source (USA, 2005–2020) and hazard identification for foods: focus on milkborne disease. *Journal of Epidemiology and Global Health*, 14(3), 787-816.

confirmed for pasteurized milk and 1 for raw milk. Clearly, pasteurization does not render milk “safe”, as neither pasteurized nor raw milk is risk-free, consistent with recent CDC data (Stephenson et al., 2024) and the evidence map for benefits and risks (Dietert et al., 2022). Thus, contamination of raw milk by *Campylobacter* is infrequent. Claims that raw milk is inherently dangerous or likely to cause terminal illness and death are not supported by peer-reviewed evidence summarized herein.

32. Keely Dairy Farms was operating under a pet milk license within the legal framework for the state of FL. Products bore the required warning that the raw milk was not for human consumption. Testing pet milk for pathogens and monitoring dairy premises in FL is not required, and thus lack of testing for pathogens or indicators of sanitation does not constitute a breach of duties or evidence of negligence, from an epidemiologic and microbial perspective.
33. The Complaint stated that the Keely Dairy Farms failed to: “perform safely”; “prevent human and/or animal feces from contacting the product;” “transmission of campylobacter and related filth and adulteration from their premises” and “properly train and supervise employees and agents to prevent” previous. No evidence from epidemiologic or microbial studies was provided to support these claims.

Lack of Evidence for Cause of Severe Health Outcomes

34. The Complaint charged that the Mother was not warned of the danger and unreasonable risk that raw milk can contain *Campylobacter* and unidentified *E. coli*. However, the presence of pathogens is insufficient evidence to assess the likelihood and severity of risk of human illness, as noted above and explained in the slide set (Exhibit “C”).

35. The Complaint stated that the “risk of damage” outweighed the “benefits” of Keely Dairy Farms raw milk, apparently based on the presumption in the Complaint that *Campylobacter* infections caused intussusception and miscarriage as claimed for the toddler via drinking raw milk and Mother via contact with the sick toddler, respectively. However, no such evidence exists in the peer-reviewed literature. Overall, the Complaint provides no evidence that links campylobacter presence in raw milk to either of the two severe health outcomes described in this claim (intussusception, miscarriage).

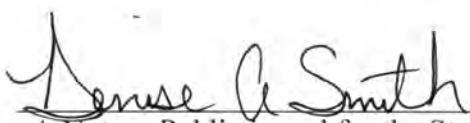
36. In fact, a recent peer-reviewed study provides evidence that refutes the claim that campylobacter or any other pathogen in raw milk caused risk of miscarriage. The systematic review of Sebastianski and colleagues (2022)¹⁶ reported that pasteurized dairy, not raw dairy, was associated with increased risk of severe effects, including premature delivery, miscarriage, and fetal deaths/stillbirths (Table 3). Further, these cases were not associated with campylobacteriosis, but with listeriosis. Notably, the results reported in the Sebastianski study are inconsistent with the authors’ claim that “public warnings about the risk of unpasteurized dairy consumption need to continue,” reflecting beliefs or opinions or dogma commonly claimed in various media even though unsupported by the study’s own evidence.

37. Additional evidence on benefits and risks of raw and pasteurized milks was documented in a peer-reviewed manuscript by Cornell Emeritus Professor Rodney Dietert and

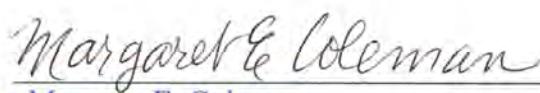
¹⁶ Sebastianski, M., Bridger, N. A., Featherstone, R. M., & Robinson, J. L. (2022). Disease outbreaks linked to pasteurized and unpasteurized dairy products in Canada and the United States: a systematic review. Canadian Journal of Public Health, 113(4), 569-578.

colleagues (2022)¹⁷ that refutes the unsupported claim that risks exceed benefits. Further, recent research has demonstrated that the dense and diverse raw milk microbiota competes with and suppresses pathogen growth, including *Campylobacter* and *E. coli* (Quigley et al., 2013; Oikonomou et al., 2020; Parente et al., 2020; Coleman et al., 2023)¹⁸.

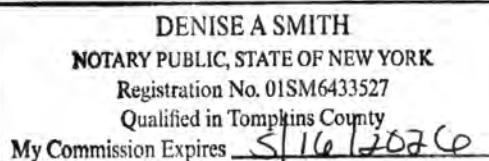
SWORN before me at the Town of Grotton,
in Tompkins County of New York State, this
day of 9 February, 2026.



Denise A. Smith
A Notary Public in and for the State of
New York



Margaret E. Coleman
Margaret E. Coleman



¹⁷ Dietert, R. R., Coleman, M. E., North, D. W., & Stephenson, M. M. (2022). Nourishing the human holobiont to reduce the risk of non-communicable diseases: a cow's milk evidence map example. *Applied Microbiology*, 2(1), 25-52.

¹⁸ Quigley, L., O'Sullivan, O., Stanton, C., Beresford, T. P., Ross, R. P., Fitzgerald, G. F., & Cotter, P. D. (2013). The complex microbiota of raw milk. *FEMS Microbiology Reviews*, 37(5), 664–698.; Oikonomou, G., Addis, M. F., Chassard, C., Nader-Macias, M. E. F., Grant, I., Delbès, C., Bogni, C. I., Le Loir, Y., & Even, S. (2020). Milk microbiota: What are we exactly talking about? *Frontiers in Microbiology*, 11, 60.; Parente, E., Ricciardi, A., & Zotta, T. (2020). The microbiota of dairy milk: A review. *International Dairy Journal*, 107, 104714; Coleman, M. E., Oscar, T. P., Negley, T. L., & Stephenson, M. M. (2023). Suppression of pathogens in properly refrigerated raw milk. *Plos One*, 18(12), e0289249.