

Tort law: stella liebeck report

Law



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Hot coffee spill worth cool award McDonald's may fork over \$2.9 million
Denver Post Copyright 1994 Friday, August 19, 1994 The Associated Press
ALBUQUERQUE - A woman, who was scalded when her McDonald's coffee spilled won a jury award of \$2.9 million - or about two days' coffee sales for the fast-foodchain. Lawyers for Stella Liebeck, 81, who suffered thirddegree burns in the 1992 incident, contended that McDonald's coffee was too hot. A state district court jury imposed \$2.7 million in punitive damages and \$160,000 in compensatory damages Wednesday.

Ken Wagner, one of Liebeck's attorneys, said that he had asked the jury for punitive damages equal to two days' worth of McDonald's coffee sales, which he estimated at \$1.34 million a day. Testimony indicated McDonald's coffee is served at 180 to 190 degrees, based on advice from a coffee consultant who has said it tastes best that hot, Wagner said yesterday. The lawsuit contended Liebeck's coffee was 165 to 170 degrees when it spilled. In contrast, he said, coffee brewed at home is generally 135 to 140 degrees.

Defense attorney Tracy McGee said the company will appeal. Juror Richard Anglada said the jury was trying to deliver a message to the industry. "The coffee's too hot out there. This happened to be McDonald's," Anglada said Wednesday. Liebeck's lead counsel, Reed Morgan of Houston, said there have been several lawsuits nationally over the temperature of McDonald's coffee, but that he believes the Liebeck case was the first to reach the verdict stage. A California case was settled out of court for \$235,000, he said. He said the woman's medical bills totaled nearly \$10,000.

According to testimony, Liebeck was a passenger in a car driven by her grandson outside a McDonald's in southeast Albuquerque when she was
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burned by a cup of coffee purchased at a drive-through window. The jury found, among other things, that the coffee was defective and that McDonald's engaged in conduct justifying the punitive damages. Caption: PHOTO: Associated Press/Adolph Louis THE VICTIM: Stella Liebeck, who suffered third-degree burns when a cup of McDonald's coffee spilled on her, is shown with her dog at her residence in Albuquerque. Woman burned by coffee given \$2.9 million by jury Austin American-Statesman Copyright 1994 Friday, August 19, 1994 ALBUQUERQUE, N. M. - A jury awarded \$2.9 million in damages to a woman who suffered third-degree burns after spilling a cup of McDonald's coffee. Stella Liebeck, 81, said in her lawsuit she was riding in a car in 1992 when she put a cup of the coffee between her legs while she removed the cap. The coffee spilled, scalding her. Testimony indicated McDonald's coffee is served at 180 to 190 degrees, based on a coffee consultant's advice that it tastes best that hot. In contrast, the lawsuit said, coffee brewed at home is generally 135 to 140 degrees.

Juror Richard Anglada confirmed the jury was trying to deliver a message to the fast-food industry with the large punitive damages. "The coffee's too hot out there," Anglada said. Coffee burns result in \$2.9 million award from McDonald's • The Fort Worth Star-Telegram Copyright 1994 Thursday, August 18, 1994 Associated Press ALBUQUERQUE, N. M. - A jury awarded \$2.9 million in damages to a woman who suffered third-degree burns after spilling a cup of McDonald's coffee. Stella Liebeck, 81, said in her lawsuit that McDonald's serves coffee that is too hot.

Liebeck testified she was riding in a car in February 1992 when she put the cup of coffee between her legs while she removed the cap. The coffee spilled

and she suffered severe burns on her legs, groin and buttocks. Reed Morgan, her attorney, said the woman's medical bills totaled close to \$10, 000. Juror Richard Anglada said the jury was trying to deliver a message to the fast-food industry. " The coffee's too hot out there," she said. " This (just) happened to be McDonald's. " Tracy McGee, McDonald's attorney, said the company would appeal. Coffee Spill Burns Woman; Jury Awards \$2. Million • The Wall Street Journal Copyright (c) 1994, Dow Jones & Co. , Inc. Friday, August 19, 1994 The Business of Law ALBUQUERQUE, N. M. (AP) -- A woman who was scalded when her McDonald's Corp. coffee spilled was awarded almost \$2. 9 million by a jury. Lawyers for Stella Liebeck, who incurred thirddegree burns in the1992 incident, contended that McDonald's coffee was too hot. On Wednesday, a state district court jury imposed \$2. 7 million in punitive damages and \$160, 000 in compensatory damages. Defense attorney Tracy McGee has said the company will appeal.

Ms. Liebeck's medical bills totaled almost \$10, 000, according to one of her attorneys. Testimony indicated that McDonald's coffee is served at between 180and 190 degrees, based on advice from a coffee consultant who has said the beverage tastes best at that temperature, Ken Wagner, one of Ms. Liebeck's attorneys, said yesterday. The lawsuit contended that Ms. Liebeck's coffee was between 165 and 170 degrees when it spilled. In contrast, the complaint said, coffee brewed at home is generally between 135 and 140 degrees. Woman spills coffee, sues, wins \$2. 9 million The Fort Worth Star-Telegram Copyright 1994 Friday, August 19, 1994 Jennifer Packer Star-Telegram Writer A jury in Albuquerque, N. M. , awarded nearly \$2. 9 million to an81-year-old woman who was burned by a cup of coffee that she

spilled on herself while riding in a car. Stella Liebeck suffered third-degree burns on her buttocks, groin and legs after she removed the top from a cup of McDonald's coffee that she had placed between her legs while riding in a car being driven by her grandson, according to testimony. The incident occurred in 1992. The jury awarded \$2. 7 million in punitive damages and \$160, 000 in compensatory damages Wednesday.

Liebeck's medical bills totaled nearly \$10, 000, according to court documents. " She couldn't sit. Her butt was burned, her crotch was burned -if you could see the pictures . . . it was disgusting," Tracey Salazar, an Albuquerque civil court clerk, told the Fort Worth Star-Telegram. " She did deserve something, but \$2. 9 million dollars? That's how it works in society today," Salazar said. Testimony at the trial indicated that McDonald's coffee is served at temperatures between 180 and 190 degrees Fahrenheit under a corporate guideline based on advice from a coffee consultant.

The woman's coffee was between 165 and 170 degrees when it was spilled, according to testimony. Liebeck's lawyer, Reed Morgan, told The Associated Press that Liebeck's isn't the first lawsuit filed over McDonald's coffee temperature. But it's likely the first one to reach a verdict, he said. McDonald's attorney Tracy McGee said the company will appeal the decision. " We will pursue all the appropriate remedies," she said. Ray Waddell, a Texas Wesleyan University law professor, said he believes that the heavy punitive damages were meant to serve as a lesson to McDonald's and other restaurants. It's their legal duty not to serve dangerously hot coffee," Waddell said. " The \$2. 7 million is to . . . get McDonald's attention so they won't make boiling hot coffee anymore. It's more than likely the jury just got

mad at McDonald's and decided to punish them. " Waddell said the publicity surrounding the case could provoke copycat coffee-inspired lawsuits. " You can suppose that people all over the country will go around buying big cups of coffee and spilling it on themselves," he said. Fort Worth Fire Department Lt. G. D. Wilder said any liquid hotter than 110 degrees can cause a burn.

Water boils at 212 degrees Fahrenheit. " The hotter it is, the less time it takes to burn," Wilder said. The depth of the burn, he said, depends on how long the skin has been exposed to the hot substance. A small, unscientific survey yesterday by the StarTelegram showed that coffee temperatures at Tarrant County restaurants ranged from 155to 175 degrees. The hottest coffee, at 175 degrees, came from a Dunkin' Donuts store. A 7-Eleven store served it at 170 degrees. A Whataburger restaurant's coffee was 160 degrees, and a cup of Texaco coffee registered 155degrees.

One McDonald's manager in Fort Worth, who would not give her name, said company policy mandates that coffee be prepared at a temperature of about 195 degrees. But another Fort Worth McDonald's manager, who also declined to give her name, gave the official temperature as 170 degrees and said she has never had any complaints. " It's not a problem," she said. " They always come back for more. " A Fort Worth Jack in The Box manager said company policy dictates that coffee be made with water that's about 195 degrees. " It's supposed to come out at 191 or better.

We just want to make sure there's a minimum temperature," manager Bobby Woodard said, adding that the staff checks water temperature daily with digital thermometer. " I've never had anybody saying that it was too hot. " At Grady's American Grill, a nationwide franchise whose parent company owns <https://assignbuster.com/tort-law-stella-liebeck-report/>

Chili's and several other chain restaurants, the only coffee temperature policy is an informal one: "As long as it's steaming, it's hot enough to serve," said David Lalas, general manager of the chain's Helen Street restaurant. But Lalas said that he thinks the McDonald's verdict will change that soon. I'm sure there'll be some kind of stipulation on how hot it's supposed to be and to calibrate it," Lalas said. "For true coffee drinkers," Lalas said, "it's never going to be too hot for them." Law Professor Waddell said he wouldn't be surprised if the verdict against McDonald's opens the door to a new era of food servers who will poke their fingers into cups of coffee before offering them to customers- all in the name of protecting their restaurants against legal complaints. "It would cost them millions of dollars a day to check their coffee," Waddell said. The cheapest way to test it is to stick a finger in it. "Staff writer Chris Vaughn contributed to this report, which contains material from The Associated Press. LETTERS • Austin American-Statesman Copyright 1994 Friday, September 2, 1994 Take responsibility When are we going to make people responsible for their own actions? To blame McDonald's for serving hot coffee, let alone awarding \$2.9 million for damages as reported Aug. 19, is ludicrous. It was Stella Liebeck who spilled the coffee, not McDonald's! McDonald's should not be held responsible for her bad judgment.

I'm no fan of McDonald's but I am a senior citizen myself, and in good conscience I could not sue McDonald's for personal injury caused by mown carelessness. What's happened to our legal and jury systems? Is there no commonsense left in America? ROSE M. DONOVAN Austin, 78731-3918 Hot topic And lawyers wonder why so many view them as liars, cheats and

corrupters of our legal system. Just look at the \$2.9 million given to an Albuquerque, N. M., woman by a jury that was somehow convinced that McDonald's makes their coffee too hot!

Stella Liebeck, 81, was riding in a car in 1992, and spilled coffee between her legs when she removed the cup's lid and burned herself. Testimony indicated that McDonald's serves coffee at between 180 and 190 degrees Fahrenheit, while home brewed coffee is between 135 to 140 degrees. Just for fun, I checked the temperature of our two noncommercial coffee pots - a Freeware percolator and a Militia drip. The perc serves its brew at 190 and the drip at 185. I'll bet by the Laws of Chemistry that if I served boiled coffee it would be around 212, egg shells included.

When Ford Motor Co. purposely chose to let people die in Pintos and face injury in models with a C-4 transmission instead of spending pennies on prevention, that was criminal. When McDonald's or any restaurant serves you hot coffee you should get exactly what you order -hot coffee. I guess I want to ask the lawyers and plaintiffs what's next -insulated cups, Tabasco, the famous cry in Mexican restaurants " Hot Plate," melted cheese on pizza? Maybe that woman was too old to be served hot coffee and we should withhold dangerous food and beverages from anyone over 65.

I'll be real disappointed the next time I order Hot and Sour soup and can only get Vichyssoise instead. ROBERT D. ATKINSON Austin, 78753 THE COFFEE'S HOT, STUPID! A proud nation of pioneers has become a land of whining plaintiffs • Atlanta Journal Copyright 1994 The Atlanta Journal-Constitution Tuesday, September 13, 1994 EDITORIAL Debra Saunders San Francisco - Is it the job of the courts to protect Americans from themselves? Recent court <https://assignbuster.com/tort-law-stella-liebeck-report/>

cases suggest that many plaintiffs and jurors believe so. Last month's jury award in Albuquerque of \$2. million in punitive damages to a woman scalded by McDonald's coffee is the first case. Stella Liebeck, 79, was a passenger in a car driven by her grandson whence bought her megabucks cup of coffee at a McDonald's drive-through in 1992. She spilled the coffee on her lap after she pried the lid from the cup, which she had placed between her legs. It shouldn't take an Einstein to figure out that you don't open a full cup of coffee anywhere near your legs - never mind between them in a moving car. But in America, we reward such thoughtlessness and punish entities that don't treat people like mindless boobs.

Juror Richard Anglada explained that the jury wanted to send the restaurant industry a message: " The coffee's too hot out there. This happened to be McDonald's. " It's true, restaurant coffee tends to be served at temperatures hotter than java brewed at home. So make McDonald's pay for Liebeck's medical bills. But reward her with \$2. 7 million for being careless with coffee? Now some restaurants are considering putting warning labels on their coffee. Let them read: " Hot! Stupid. " Because in this litigious age, it's not enough to be hot, and everybody knows it, you have to shout " hot! " so that no one forgets it.

In Sacramento and San Luis Obispo counties, separate lawsuits have been filed against authors Laura Davis and Ellen Bass, whose book " The Courage to Heal," has become a self-help bible for incest survivors. Or, perhaps I should say, people who believe they are incest survivors. The book encourages readers to explore for retrieved memories of incest thus: " Even if you are unable to remember any specific instances of childhood sexual abuse

but you have a feeling that something happened in your childhood, it probably did. " No doubt the book has prompted some desperate people to conjure up false memories, with tragic consequences.

Last week, a Sacramento Superior Court judge dismissed the suit against the authors but let stay Deborah David's suit against her therapists, minister and health-care provider. As Neil Shapiro, who represents authors Davis and Bass, told the San Francisco Chronicle: " These are ideas, and you can't have liability for ideas. " While the court ruled correctly, it is disturbing that David asked the courts to shield her from the power of an idea. Her therapists and the authors through their books " convinced" David, the \$4million-plus complaint argued, that " she was abused as a child, and that she had multiple personalities. The suit complained that while the book promised healing, it " failed to heal" David. She " relied on such representations and, in reliance thereon, purchased the book and the workbook and read them as directed. " There is an irony in this suit: Two priestesses in the cult of victimology have faced two suits based on the assumption that the plaintiffs were helpless before their rhetoric. Victimology has gone full circle. America has devolved from a country of pioneers to a nation of plaintiffs.