

THE INFAMOUS MCDONALD'S COFFEE CASE

No one case that I can think of has done more to give the public a negative view of personal injury lawyers than the McDonald's coffee case. As the media reported the case, a woman sued McDonald's and received \$2.9 million dollars for spilling a cup of coffee on herself. This is basically all the information that the public was given and it has stuck in people's minds. However, the facts of that case may surprise you, and even change your perception of our Civil Justice system. You may even start to think that personal injury lawyers are not all that bad, OK maybe I won't go that far.

In 1992, Stella Liebeck, purchased a cup of coffee at a McDonald's drive thru. She put the cup between her knees and when she removed the lid the coffee spilled into her lap. She suffered third degree burns to her inner thighs, buttocks, perineum, genital and groin area. She was admitted to the hospital for 8 days, underwent skin grafts, debridements and was disabled for 2 years following the accident. Her treating physician testified at trial that it was one of the worst scald burns he had ever seen.

At trial, the jury allegedly learned that McDonald's Corporate directive was that its coffee was to be served between 180 degrees and 190 degrees Fahrenheit. At that temperature, third degree burns occur within

2 to 3 seconds. It was alleged that from 1982 to 1992, McDonald's coffee had burned more than 700 people, and McDonald's allegedly admitted at trial that it had known of the risk of serious burns and had no plans to reduce the temperature of its coffee. McDonald's also allegedly admitted that because of the temperature of its coffee that it was not fit for consumption for the first 10 minutes, as it would cause scald injuries to the mouth and throat. It was also allegedly shown that McDonald's coffee was sold at temperatures dangerously higher than the coffee served by other fast food chains. Many of the more specific facts were tightly sealed behind a confidentiality agreement that went with the final settlement. However, it was alleged that McDonald's, aware its market share was down substantially, hired marketing experts to determine the reason. They determined that the lost market share was due to an average 22 minute gap from point of purchase of breakfast/coffee to the time it was consumed at which time the coffee was cold. As a result, McDonald's retro-fitted the coffee urns to raise the temperature high enough to remain hot for 22 minutes after being poured.

The jury after learning the above, awarded Ms. Liebeck \$200,000.00 for her severe injuries, which

was reduced to \$160,000.00 as they found her to be 20% at fault. The jury also awarded \$2.7 million in punitive damages (which was reduced to \$480,000.00 by the trial court) to deter similar conduct in the future because they found McDonald's actions to be willful. As McDonald's sold one billion cups of coffee a year, generating \$1.3 million a day in revenues, the jury's punitive damages award equated to a mere 2 days worth of McDonald's coffee sales.

There, now you know the real story.

Mark T. Freeley, Esq.
The North Shore Injury Lawyer



The North Shore Injury Lawyer

Mark T. Freeley, Esq.

144 Woodbury Road, Woodbury, NY 11797

Office: 516-746-8100 • Mobile: 631-495-9435 • www.northshoreinjurylawyer.com