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# INJURY LAW FIRM™

## ALERT

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No. 3

### HOW MUCH DO YOU REALLY KNOW ABOUT THE McDONALD'S COFFEE CASE?

**This *Injury Law Firm Alert* does not constitute an attorney-client relationship but is meant for informational purposes only. Nor is this *Alert* meant to replace the legal advice of an attorney. Every case is different with specific circumstances that should be addressed individually. Should you have a legal question, speak to an attorney who is qualified to answer your specific question.**

Everyone has heard of the McDonald's case and results, but let's see what you really know. Go through this test and see how you score based on what you think you have heard. A special thanks to David W. Ransin, Esq. of Springfield, MO, who gave permission to reprint this test and the accompanying commentary.

#### **In this issue...**

- ▶ We hear only part of the story in the press.
- ▶ Reasonable attempts to settle before going into litigation are commonplace. Many injury cases settle out of court.
- ▶ The jury system works. Here are some of the details that the jury heard, but the public did not hear.

1. When Stella Liebeck was burned, she was in the:

- A. Driver's Seat
- B. Passenger Seat
- C. Rear Seat

2. When the coffee spilled, the car was:

- A. Moving
- B. Parked
- C. On the highway

3. The cup was:

- A. Being handed to her and was dropped
- B. In her crotch
- C. Between her knees

4. When the coffee spilled, Stella was:

- A. Squeezing her legs together while reaching for her Egg McMuffin
- B. Removing the lid to add cream and sugar
- C. Eating her breakfast

5. Stella received burns to her:

- A. Inner thighs
- B. Perineum
- C. Buttocks
- D. Genitalia
- E. All of the above

6. These burns were:

- A. 1<sup>st</sup> Degree
- B. 2<sup>nd</sup> Degree
- C. 3<sup>rd</sup> Degree
- D. All of the above

7. Stella required:

- A. 2 days in the hospital
- B. 5 days in the hospital
- C. 8 days in the hospital and skin grafting surgery

8. McDonald's quality assurance manager testified that the company actively enforced a requirement that its coffee be served between:

- A. 140 to 150 degrees
- B. 150 to 170 degrees
- C. 180 to 190 degrees

(HINT: Your coffee at home comes out at about 135 to 140 degrees).

9. McDonald's quality assurance manager testified that the company knew that coffee served at the required temperature was not fit for consumption because it would burn the mouth and throat.

- A. True
- B. False

10. According to the experts, coffee served at the temperature as required by McDonald's causes full thickness burns to human skin in:

- A. 2 to 7 seconds
- B. 10 to 20 seconds
- C. 30 to 60 seconds

11. Prior to Stella's burns, McDonald's had received *more* than this number of coffee burn claims:

- A. 100
- B. 300
- C. 700

12. Prior to filing her lawsuit, McDonald's *rejected* Stella's offer to settle all her claims, medical bills, injury and scarring, for the total amount of:

- A. \$20,000
- B. \$100,000
- C. \$500,000

13. The jury evaluated Stella's total claim for compensatory damages for all of her medical bills, injuries, and scarring at:

- A. \$200,000
- B. \$500,000
- C. \$2,000,000

14. Based on the evidence and testimony, the jury also awarded punitive damages against McDonald's in the amount of:

- A. \$2,700,000
- B. \$4,300,000
- C. \$10,000,000

which was later reduced by the court at McDonald's request to:

- D. \$480,000
- E. \$1,500,000
- F. \$5,000,000

15. As her percentage share of her own responsibility or fault for contributing to her own injury, the jury assessed fault against Stella in the amount of:

- A. 0% her fault, 100% McDonald's fault
- B. 10% her fault, 90% McDonald's fault
- C. 20% her fault, 80% McDonald's fault

ANSWERS:

1. Stella was burned in the, B, passenger seat.
2. The car was, B, parked.
3. The cup was, C, between her knees.
4. When the coffee spilled, Stella was, B, removing the lid to add cream and sugar.
5. Stella received burns to her thighs, buttocks, and genitalia. E is the correct answer.
6. These burns were 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree. D is the correct answer.
7. Stella required, C, 8 days in the hospital and skin grafting surgery.
8. McDonald's quality assurance manager testified that the company actively enforced its coffee be served at, C, 180 to 190 degrees.
9. A, TRUE. McDonald's quality assurance manager testified that the company knew that coffee served at that temperature was not fit for consumption.
10. Experts say coffee served at the temperatures required by McDonald's causes full thickness burns to human skin in, A, 2 to 7 seconds.
11. Prior to Stella's burns, McDonald's had received "more" than, C, 700 coffee burn claims.

12. McDonald's rejected Stella's initial offer to settle all her claims for, A, \$20,000.

13. The jury evaluated Stella's total claim for compensatory damages for all of her medical bills, injury, and scarring for the total amount of, A, \$200,000.

14. Based on the evidence and testimony, the jury also awarded punitive damages against McDonald's in the amount of, A, \$2,700,000, which was later reduced by the court at McDonald's request to, D, \$480,000.

15. As her percentage share of her own responsibility or fault for contributing to her own injury, the jury assessed fault against Stella in the amount of, C, 20% her fault; 80% McDonald's fault.

Here is the surprising truth:

- The punitive damages against McDonald's equaled only about 2 days of McDonald's coffee sales.
- Based on the 20% assessment of fault against Stella, her total compensatory damage award was reduced from \$200,000 to only \$160,000.
- After appeals, and after the court reduced the punitive award to only 3 times the damage award, or \$480,000, for a total of \$540,000, the claim was finally settled for a confidential sum believed to be a lesser amount.

Again, a special thanks to David Ransin who made this test and commentary available.

**ABOUT R. MICHAEL SHICKICH:**



Michael Shickich is a fourth generation Wyoming resident. He has a regional law practice. In addition to being licensed in Wyoming, he is also licensed to practice in Colorado and New Mexico.

**Experience and achievements include:**

- Over 20 years experience as a trial lawyer.
- Direct knowledge of injury/insurance system: 8 years prior experience in insurance defense law.
- Highest rating of “Very High to Preeminent” by Martindale-Hubbell®.
- Member of the “Million Dollar Advocates Forum.”
- President of the Wyoming Trial Lawyers Association, 2003-2004.
- Dean of “The People’s Law School,” 2002-present.

**Practice areas include:**

- Automobile and Pedestrian Accidents
- Wrongful Death
- Injuries to Children
- Spinal and Bodily Injuries
- Burn Injuries
- Amputations
- Paralysis
- Oil Field Injuries and Explosions
- Brain and Head Injuries
- Nursing Home Negligence
- Asbestos and Toxic Exposure
- Trucking Accidents
- Airplane Crashes
- Railroad Injuries
- Whistle Blower Cases and Corporate Fraud, Theft and Medicaid Fraud
- Class Action Lawsuits
- Prescription Drug and Pharmaceutical Injuries
- Insurance Bad Faith and Wrongful Denial of Insurance Benefits

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- Health Problems Linked to Asbestos Exposure
- Health Problems Linked to Ancure Abdominal Aortic Stents
- Three Types of Insurance that You Need to Know About
- You Have Just Been in an Accident – Now What? (13 Must Know Facts)
- Eleven Facts about Auto Insurance that You Need to Know

If you have a question, and we do not have an alert, we still may have an answer.

**Questions, Comments, Suggestions? I would be happy to hear from you, and you can reach me at:**

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