

The documentary film, "**Hot Coffee: Is Justice Being Served?**" revisits the famous McDonald's "spilled coffee" case and describes the propaganda about the case created by business interests. The documentary film chronicles how business interest groups such as the Chamber of Commerce and "tort reform" activists misrepresented the facts of this well-known case in an effort to further their interests.

Tort reform activists successfully focused the public on the \$2.7 million in punitive damages that a Florida jury awarded to the plaintiff in the 1994 case of Liebeck v. McDonald's Restaurants. They conveniently disregarded the horrible permanent injuries Ms. Liebeck suffered (scalding third-degree burns over 6% of her body which required an 8-day hospitalization and extremely painful and disfiguring surgical skin grafting). They also ignored the trial evidence which showed that McDonald's had documented more than 700 burn incidents among McDonald's customers in the 1982-1992 time frame and that McDonald's served its coffee between 180-190 degrees Fahrenheit even though other fast food restaurants typically served coffee at approximately 135-140 degrees. The evidence at trial showed that coffee spilled at 180 degrees would cause third-degree burns in just 2-7 seconds. Had the coffee been just 15 degrees cooler (155 degrees and still 15 degrees hotter than the average fast food restaurant's coffee) it could have cooled sufficiently to avoid serious burns. Business interest and tort reform activists also conveniently ignored two significant facts related to the jury verdict: (1) the jury determined Ms. Liebeck was 20% at fault for spilling the coffee and the verdict was, as required by law, reduced by the amount of fault attributed to her; and (2) the court found the jury's verdict excessive and reduced it to \$480,000. The lawsuit was ultimately settled out of court for less than \$600,000.

"Hot coffee" documents how business interests focused on only certain elements of the McDonald's spilled coffee case and spread misinformation about the evidence presented and the final result in an effort to further their partisan agenda. In the wake of the case, numerous states, including North Carolina, adopted "tort reform" legislation despite the lack of any need for such. Under the actual facts of the McDonald's case, the jury properly held the plaintiff accountable for the degree of fault it apportioned to her. Furthermore, a trial judge reduced the award significantly because the judge, though noting McDonald's conduct and decision to ignore hundreds of prior complaints about its coffee scalding customers was "callous," thought the verdict was nonetheless too high.

Most people, thanks to the propaganda campaign of business interests, believe that the plaintiff in the McDonald's case recovered "millions of dollars." Not so – she received less than \$600,000 as compensation for severe burns that caused permanent injuries and scarring, required more than one-week hospitalization, and forced her to undergo a painful skin grafting procedure. The documentary "Hot Coffee" which has received considerable critical acclaim highlights business interests' convenient disregard of the actual facts and final result of the case to further their agenda of blindly helping big business at the expense of consumers and everyday citizens.