

The Story behind the Real Stella Award

In 1992, Stella, then 79, spilled a cup of McDonald's coffee onto her own lap, burning herself. A New Mexico jury awarded her \$2.9 million in damages, but that's [not the whole story](#). Ever since, the name "Stella Award" has been applied to any wild, outrageous, or ridiculous lawsuits — including some infamous [bogus cases](#)! Much of the coverage about Stella Liebeck has been grossly unfair. Her lawsuit was filed after the incident.

The Usual Facts Recited

- Stella was not driving when she pulled the lid off her scalding McDonald's coffee. Her grandson was driving the car, and he had pulled over to stop so she could add cream and sugar to the cup.
- Stella was burned badly (some sources say six percent of her skin was burned, other sources say 16 percent was). She needed two years of treatment and rehabilitation, including skin grafts. McDonald's refused an offer to settle with her for \$20,000 in medical costs.
- McDonald's quality control managers specified that its coffee should be served at 180–190 degrees Fahrenheit. Liquids at that temperature can cause third-degree burns in 2-7 seconds. Such burns require skin grafting, debridement and whirlpool treatments to heal, and the resulting scarring is typically permanent.
- From 1982 to 1992, McDonald's coffee burned more than 700 people, usually slightly but sometimes seriously, resulting in some number of other claims and lawsuits.
- Witnesses for McDonald's admitted in court that consumers are unaware of the extent of the risk of serious burns from spilled coffee served at McDonald's required temperature, admitted that it did not warn customers of this risk, could offer no explanation as to why it did not, and testified that it did not intend to turn down the heat even though it admitted that its coffee is "not fit for consumption" when sold because it is too hot.

But that's just the plaintiff's side : The Neglected Facts

- While Stella was awarded \$200,000 in compensatory damages, this amount was reduced by 20 percent (to \$160,000) because the jury found her 20 percent at fault. She was awarded \$2.7 million in punitive damages — but the judge later reduced that amount to \$480,000. And Liebeck and McDonald's entered into secret settlement negotiations rather than go to appeal. The amount of the settlement is not known — it's *secret!*
- The plaintiffs were apparently able to document 700 cases of burns from McDonald's coffee over 10 years, or 70 burns per year. But that doesn't take into account how many cups are sold *without* incident. In court, a McDonald's consultant pointed out the 700 cases in 10 years represents just 1 injury per 24 million cups sold! For every injury, no matter how severe, 23,999,999 people managed to drink their coffee without any injury whatever. Isn't that proof that the coffee is not "unreasonably dangerous"?
- Even in the eyes of an obviously sympathetic jury, Stella was judged to be 20 percent at fault — she did, after all, spill the coffee into her lap all by herself. The car was stopped, so she presumably was not bumped to cause the spill. Indeed *she* chose to hold the coffee cup between her knees instead of any number of safer locations as she opened it. Should she have taken more responsibility for her own actions?
- Coffee is *supposed* to be served in the range of 185 degrees! The National Coffee Association recommends coffee be brewed at "between 195-205 degrees Fahrenheit for optimal extraction" and drunk "immediately." If not drunk immediately, it should be "maintained at 180-185 degrees Fahrenheit." (Source: [NCAUSA](#).) Exactly what, then, did McDonald's do wrong? Did it exhibit "willful, wanton, reckless or malicious conduct" — the standard in New Mexico for awarding punitive damages?
- As for her injury, one source said that six percent was the third-degree burn area, and 16 percent was "lesser burns."

The Jury Has Decided

The Court of Public Opinion has issued its verdict: Stella has become an American icon. Rightly or wrongly, she is a symbol of the American Tort system gone wrong, and most have heard of her case — and have an opinion on it.

For more than 20 years, the term "Stella Award" has been used to refer to any lawsuit that sounds outrageous. Stella died on August 5, 2004, at 91 years old.