

[back to story page](#)

Printed from ABQjournal.com, a service of the Albuquerque Journal

URL: <http://www.abqjournal.com/upfront/202145548716upfront01-20-11.htm>

Thursday, January 20, 2011

## Sundance Film Pours Cold Water on Hot Coffee

### Myth

By Leslie Linthicum*Journal Staff Writer*

The McDonald's hot coffee case — born and bred in Albuquerque and still world-famous nearly 20 years later — has become shorthand for frivolous lawsuits and out-of-control juries.

It has also been the topic of a "Seinfeld" episode and the punch line to endless jokes.

Now it is a movie.

When "Hot Coffee" premieres at the Sundance Film Festival in Utah on Monday, a strange little slice of Albuquerque history will reach an international audience and compete against 15 other films in the U.S. documentary category.

The movie's tagline is "Is Justice Being Served?" And filmmaker Susan Saladoff's short answer is "no."

She concludes that the infamous hot coffee case was a travesty of justice — but one tilted in big business's favor.

When I got producer/director Saladoff on the phone, she was in California busying for Sundance. I asked her why she chose to focus her first film on our homegrown urban legend.

"The case is the most infamous case in the world," Saladoff said. "Everybody knows it, or they think they know it, but they don't."

So, what do people think they know about our McDonald's hot coffee case?

Saladoff reels off the hot coffee myth: "This woman was driving her car, she got coffee, she spilled it on herself, she wasn't injured very badly, she sued McDonald's and she got millions of dollars."

Exactly 50 percent of that is wrong.

The real story: Back in 1992, Stella Liebeck, 79, got a cup of coffee at a McDonald's drive-through on Gibson. Her grandson, who was driving, pulled over and parked so she could add cream. The cup spilled into her lap when she took off the plastic lid, and Liebeck ended up in the hospital for eight days with third-degree burns and underwent several skin graft surgeries.

She asked McDonald's to pay her \$20,000 to cover her medical bills, McDonald's went to trial instead, and in 1994 a federal court jury in Albuquerque awarded Liebeck \$2.9 million, almost entirely in punitive damages, an amount equivalent to two days of McDonald's coffee sales. The jury was unhappy with McDonald's, obviously, and some jurors said later it was because the company had fielded hundreds of complaints about its scalding hot coffee without doing anything about it.

The major part of the story that gets lost in the myth is that the trial judge reduced the award to \$640,000 and Liebeck and McDonald's eventually reached an undisclosed settlement.

Viewers of "Hot Coffee" the movie will learn that in 1994, after the verdict was awarded, Republicans took control of the House and listed tort (civil lawsuit) reform as part of their Contract With America.

Saladoff's movie has a political point of view. She argues that the Albuquerque McDonald's verdict — long after it had been erased — became the poster child for efforts by the U.S. Chamber of Commerce and insurance companies to show how reckless juries had become in support of tort reform.

Saladoff, on a break from a career as a lawyer, argues in the movie that the Albuquerque McDonald's case, "through a massive public relations campaign, became the tool to get tort reform passed."

Ken Wagner, an Albuquerque attorney, has had many, many cases in his legal career, but only one that everyone has heard of. Oddly for a trial lawyer, it's a case that has been Exhibit A in the argument against his profession.

Wagner has kept boxes of well-archived memorabilia from the McDonald's hot coffee case. "I have everything but the actual cup that was used as an exhibit," he says.

Wagner, and that actual cup, make an appearance in "Hot Coffee" as do other New Mexicans: Liebeck's grandson is featured as well as two members of the Albuquerque jury who explain their motivation for slamming McDonald's.

"Hot Coffee" will get lots of exposure at the prestigious Sundance competition

and Saladoff will also be looking for a distribution deal, hoping that "Hot Coffee" can become as much a part of the lexicon as "Roger & Me" or "SuperSize Me" and less of a comic's punch line.

*UpFront is a daily front-page news and opinion column. Leslie Linticum can be reached at 823-3914 or [llinticum@abqjournal.com](mailto:llinticum@abqjournal.com).*

[Back to story page](#)