



Ankin Law Office LLC

Protecting the Rights of Injured Workers

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Hot Tea Lawsuit Against Starbucks Dismissed



Be careful with that scalding hot cup of coffee or tea that you just bought. If you spill it and sustain third degree burns, you may be severely injured and out of luck. That's the unfortunate lesson to be learned from a recent federal court decision.

In *Moltner v. Starbucks Coffee Co*, No. 09-4943, the United States Court of Appeals for the Second Circuit held that an elderly woman who sustained severe third degree burns after spilling a cup of Starbucks tea could not recover against Starbucks for her injuries.

The facts are explained in this Reuters [article](#):

Moltner was 76 in February 2008 when she burned herself at a Starbucks coffee shop on Manhattan's Upper East Side.

She spilled tea onto her left leg and foot when she tried to remove the lid from a "venti"-sized cup of tea, causing burns that required a skin graft. Her hospital stay later resulted in other injuries, including bed sores as well as herniated discs caused by a fall out of bed.

The plaintiff accused Starbucks of serving tea that was too hot in a double cup — one cup placed inside another — that was defectively designed. She also said Starbucks should have warned her the tea could spill.

The Second Circuit rejected her argument, holding that "double-cupping is a method well known in the industry as a way of preventing a cup of hot tea from burning one's hand."

This decision contrasts starkly with the well known case, [Liebeck v. McDonald's Restaurants](#), P.T.S., Inc., 1995 WL 360309. In *Liebeck*, the plaintiff, also an elderly woman, sustained serious third degree burns after spilling hot coffee from McDonald's all over her lap while in her car. In that [products liability lawsuit](#), her attorneys successfully argued that the coffee was defective because it was served too hot and a jury awarded the plaintiff \$2.86 million dollars, which the trial judge later reduced to \$640,000.

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The bottom line: be careful when you purchase hot beverages and take extra care when handling them. Better safe than sorry.

Howard Ankin of Ankin Law Office LLC (www.ankinlaw.com) handles [workers' compensation](#) and [personal injury cases](#). Mr. Ankin can be reached at (312) 346-8780 and howard@ankinlaw.com.

Related articles

[Starbucks defeats woman's tea burn lawsuit](#) (reuters.com)

[Court buys Starbucks double-cup defense](#) (msnbc.msn.com)

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