

\$13,650,000

Tea Pot Tip-Over
PRODUCT LIABILITY

FACTS: Ariana Gutierrez, 3 years old, and her family went to Town Sent Restaurant. Ariana was with her mother, her aunt, her grandmother, her 10 year old brother and her 5 year old sister. They were seated at a round table which had a lazy susan on it. A waiter placed a metal teapot containing hot tea on the lazy susan. Ariana's 10 year old brother turned the lazy susan and the teapot slid off the lazy susan and fell over onto its side on the table. The cover of the teapot opened and hot tea spilled on Ariana causing her to sustain burn injuries.

CONTENTIONS: The teapot and lazy susan were manufactured in Communist China. The manufacturers of the teapot and lazy susan could not be served and were not parties to the lawsuit. Plaintiff sued the restaurant, the importer of the teapot who had it manufactured for them as a private label item, and the distributors of the teapot and lazy susan. Plaintiff claimed that the restaurant was negligent because their waiter placed a teapot containing hot tea on a lazy susan at a table with several young children. Plaintiff claimed that the lazy susan was defective in design since it had no speed control and turned very easily causing the teapot to slide off the lazy susan. Plaintiff claimed the teapot was defective in design since it has an hourglass shape which effects its stability and it failed to have any type of mechanism to hold the cover in place. Plaintiff claimed that détentes in the lid of the teapot would have prevented the accident. Defendants contended that the accident was entirely the fault of Ariana's mother and the other adults at the table for failure to watch the young children. Defendants contended that Ariana's brother was spinning the lazy susan at a high rate of speed like a toy. Defendants contended that there are no design defects in the lazy susan or teapot since there are millions of them in use in restaurants throughout the world and there has not been any reported prior similar accidents.

INJURIES: Third degree burns to approximately half of total body surface.

ADDITIONAL INFORMATION: The restaurant contributed its policy limit of \$1 million. The distributor of the lazy susan contributed its policy of \$1 million. The distributor of the teapot contributed \$1.8 million. The importer of the teapot contributed \$9.9 million, for a total settlement of \$13,650,000.00.

GUTIERREZ v. TOWN SENT RESTAURANT, INC., et al.

CASE NUMBER: KC 064271

LOS ANGELES SUPERIOR COURT