

Products Liability LAW BLOG

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Verdict Survey: Chicken Sandwich in Cherokee County

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Capsule Summary: A Cherokee County jury returned a defense verdict in a claim brought by a male plaintiff in his mid-forties in which he alleged the chicken sandwich he purchased from a Burger King was too hot and caused second degree burns to his gums.

Case Information: Frank Chancellor v. Carrols Corporation d/b/a Burger King Restaurants, Civil Action Number 2008CP1100139.

Date of Verdict: March 3, 2010.

Venue: Cherokee County Court of Common Pleas

Judge: The Honorable J. Mark Hayes, II

Factual Background: Plaintiff filed his lawsuit in the Cherokee County Court of Common Pleas. He alleged a cause of action for breach of warranty of merchantability on grounds that the sandwich was too hot. The defendant argued that customers wanted their sandwiches to be hot. They also argued the plaintiff's actions were inconsistent with his allegations, especially by the fact that he did not seek treatment from his doctor for the alleged injury.

Experts: None listed.

Alleged Damages: Plaintiff was a married male in his mid-forties. He was employed by General Electric. He alleged \$1,500 in past medical special damages.

Disposition: After 15 minutes of deliberation, the jury returned a defense verdict.

*This blog contains BRIAN A. COMER'S personal views of various topics in South Carolina products liability law. Please read my **DISCLAIMER & TERMS OF USE** about the nature of this blog, and understand that you are accepting its terms before reading any of my posts. I welcome your comments.*

About Brian Comer

Brian Comer is a shareholder and Chair of the firm's Products Liability Practice Group. Brian was a magna cum laude graduate of the University of South Carolina Honors College where he majored in International Studies and Economics. He also served as Student Body President during his undergraduate career. Brian received his Juris Doctor from the University of South Carolina School of Law and has an International Masters in Business Administration from the University's Moore School of Business. During law school, he was a member of the South Carolina Law Review and the Order of Wig and Robe. Prior to joining Collins & Lacy, Brian was a partner with a large national firm based in Columbia, South Carolina.

Brian is the founder and contributing author of South Carolina Products Liability Law Blog, for individuals and product manufacturers who are interested in this area of law. His goal is to provide current information on trends in products liability law in the Palmetto State.

About Collins & Lacy, P.C.

Collins & Lacy is a defense litigation firm in South Carolina that delivers valuable legal representation for our clients through solid preparation, thorough execution, and client-oriented service aimed at success. With offices in Charleston, Columbia, Greenville and Myrtle Beach, the firm represents local, regional and national clients in the areas of:

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