

GazetteXtra

Turner district, family dismiss lawsuit over soup

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TOWN OF BELOIT — The family of a Beloit Turner student burned by spilled soup in a school cafeteria agreed to drop a lawsuit against the school district and its insurance company, the district's lawyer said.

The district and the family of the girl, who was 8 at the time of the accident, agreed to dismiss the case in Rock County Court without any monetary payments, said Margery Tibbetts-Wakefield, attorney for the district and its insurance company.

"My client had made it very clear that we were not going to settle the case—that it was ridiculous," she said. "I think the plaintiffs finally saw that they were going to spend a lot of money and not get a recovery."

Beloit attorney Derrick Grubb filed the suit last September as the child's guardian ad-litem. He could not be reached for comment Wednesday.

The parties agreed neither would be required to pay the other's legal fees or any other costs, Tibbetts-Wakefield said.

A trial had been set for September. Judge Barbara McCrory signed the dismissal Monday with prejudice, which means the case can never be filed again.

According to the suit, the student was served hot soup by cafeteria staff during lunch Nov. 29, 2011, at Powers Elementary School. The suit stated hot soup was placed on the girl's lunch tray. She began to carry her tray to another table, but someone bumped her, and the tray tipped, causing the hot soup to spill onto her left forearm and cause injuries.

The suit alleged the district and its employees were "negligent in serving a substance at an unsafe temperature to an 8-year-old child, were negligent in failing to properly instruct its students on how to carry the unsafe substance, failing to properly warn its students of the unsafe substance and the dangers thereof, and failing to properly supervise its employees, agents and students at all times material to this complaint."

In the student's March 1 deposition, she said her arm no longer hurts, and she didn't have any scars from the burns.

The district, especially cafeteria employees, were sad and upset the student was burned, Tibbetts-Wakefield said, but the district and its insurance company were "very adamant" they held no liability and were not willing to pay a nuisance settlement.

In March, Grubb offered to settle the case for \$15,000 "together with costs of this action," according to court documents.

The district rejected the offer.

The district follows state food service regulations and trains teachers to supervise students in the cafeteria and reminds students how to act appropriately, such as walking in the cafeteria or to recess, Tibbetts-Wakefield said.

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