**LAW CLASS**

**COURT CASES**

**Graham v Waffle House (2017)**



**Background of the case**

What started as a casual Waffle House lunch with a coworker, ended with hearing damage, a piece of glass lodged in a man’s ear, and a lawsuit against the restaurant.

The Waffle House patron alleged that he suffered damage to his hearing as well as [an injury to his ear as a result of exploding plates](http://www.foxnews.com/food-drink/2017/03/02/waffle-house-responds-to-lawsuit-says-exploding-dishes-did-not-injure-diner.html). No, the man was not served waffles stuffed with explosives, nor was the explosion alleged to have even happened in the dining room where the man was seated.

Larry Graham was dining at a Waffle House in Georgia in March 2015 when an “explosion” occurred in the restaurant’s kitchen, the lawsuit says. Hot plates that had just come out of the sanitizer were sprayed with cold water, causing them to explode, with shards of glass flying through the air, according to the suit.

Graham alleges the explosion caused a piece of a broken plate to lodge in his ear, he suffered hearing loss and pulled a muscle in his arm reacting to the explosion.

Waffle House believes it has video evidence that contradicts this claim, spokesperson Kelly Thrasher-Bruner said. Waffle House says its video shows Graham returning from the restroom when a plate was dropped in the food prep area.

*“At no time was he close to the area where the plate was dropped,” Thrasher-Bruner said in an email.*

*In addition, the video shows “he had no sudden reaction that would be expected if he had been hit by a piece of the plate when it was dropped.”*

Graham is suing for medical expenses that exceed $10,000, lost wages at work, pain and suffering, mental anguish and other related expenses.

The restaurant is claiming that not only would it be physically impossible for a piece of plate to get shot into the patron's ear based on where he was seated when the one plate broke, but also that security footage shows the man had no physical reaction to the plate breaking.

How would you rule on this?