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Client Bulletin

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***The Best Way to Predict the Future is to Create it.* - Abraham Lincoln**

Imagine a steamy late July evening as the sun begins to fade. The smells of the barbecues, campfires, and charcoal grills permeate the air, and the nightly chorus of crickets, locusts, and katydids begins. As the sun continues to set and night creeps in, the hum of insects explodes into a full-on symphony of magic (or annoyance, depending on your point of view). Alright, put your s'more down and come back to reality (sorry). It is early May and depending on the whims of mother nature, we still have a few months before the deliciousness of summer sets in. Yet, anticipation is building, and many are already making plans for the festivities.

Friends, if you pay attention, you will also hear the increasing buzz surrounding the impending arrival of the technology giant, Intel Corporation, to the Central Ohio area. In January 2022, Intel announced its plan to invest more than \$20 billion to construct two semiconductor chip factories in New Albany. Semiconductor chips are used in nearly all electronic devices, including computers, cars, and military weaponry. Intel is the world's largest semiconductor chip manufacturer in the world, and its investment in Ohio is the largest by a private company in the state's history.

The project spans close to 1,000 acres in Licking County – enough space to house a total of eight chip factories if future demand dictates the need. The inevitable impact on the entire Central Ohio region is astounding. By the time production begins in 2025, Intel anticipates employing approximately 3,000 people with an average salary of \$135,000. In addition, an estimated 10,000 indirect jobs and 7,000 construction jobs will be created.

The influx of people needed to fill these roles will send ripple effects not only through Licking County but also to surrounding counties, including Delaware County. The southeast corner of Delaware County is only 1500 feet away from the Intel site and Sunbury is approximately twenty (20) minutes away. In fact, an estimated 90% of Delaware County's population is within forty (40) minutes. Intel's arrival will affect the county's economic landscape, real estate market, roads/traffic, and school systems. County and township-wide planning efforts are already underway to help guide development proactively.

Harlem Township, for example, has made impressive headway on a development plan. Shortly after Intel's 2022 announcement, the Board of Township Trustees created a Strategic Planning Committee to serve as their advisory body and hired a consulting firm, Crossroads Community Planning, LLC. On March 23, 2023, the Harlem Township Trustees approved a plan to strategically guide the township's future development. (The following hyperlink will pull up a pdf of the plan: [Quick Strategy Guide](#). Please email emiceli@mmpdlaw.com if you would like a copy sent to you.)

This article only scratches the surface of the opportunities and challenges that lie ahead. Over the course of the next two years, we will continue to explore the impact (both positive and negative) that Intel's arrival will have on Delaware County. Stay tuned as the buzz becomes a roar...

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This bulletin provides general information and is not legal advice. Please contact us if you need legal advice.

If you have friends or associates whom you think would enjoy receiving a copy of this Client Bulletin, please feel free to forward it on. Thank you.

Ohio's New Distracted Driving Law

Ohio Senate Bill 288, signed by Governor DeWine in January, went into effect on **April 4, 2023**. The new law makes operating a motor vehicle with a cell phone or other electronic device in your hand, lap, or other parts of the body a primary offense. This means that law enforcement can pull a driver over solely for that reason.

Drivers are prohibited from dialing a phone number, sending a text, surfing social media or the internet, playing games, recording/streaming a video, and participating in a video call. Exceptions include drivers who are reporting an emergency and those stopped on a road during an emergency or road closure. Drivers may use electronic devices while stopped at a red light or when swiping/pressing to accept or decline a call. Drivers are also permitted to hold the phone directly to their ear so long as the call is started or stopped with a single touch or swipe.

Until **October 5, 2023**, law enforcement will only issue warnings. After that grace period, penalties go into effect. Fines range from \$150 to \$500, and license point assessments are between 2 and 4 points. In some cases, a 90-day driver's license suspension will be issued.

Note that drivers under the age of 18 are still restricted from using cell phones or other electronic devices in any way, including hands-free features.

Elizabeth A. Miceli, Esq.

McDonald's Hot Coffee Case: Frivolous Lawsuit or Justice Served?

When the topic of frivolous lawsuits comes up, one of the most cited examples is the "McDonald's hot coffee case." You know, *the woman who recovered "millions" after spilling hot coffee on herself while driving*. Many ask: where have common sense and personal responsibility gone? Where do we draw the line in this litigious society? Although these are valid questions, let's peel back the layers of this case.

In 1992, Stella Liebeck, a 79-year-old woman, was a passenger in her grandson's car. After going through the drive through, he stopped the car in the parking lot so that Liebeck could put cream in her coffee. While doing so, some of the coffee spilled over into her lap. Within seconds, Liebeck suffered 3rd degree burns on 16% of her body, which required numerous skin grafts. She spent 7 days in the hospital and over 3 weeks at home recuperating and lost 20% of her body weight due to her injuries.

Liebeck spent 6 months trying to settle the claim for approximately \$20,000 to cover her medical bills and her caregiver's lost wages. McDonald's countered with \$800, an offer that went over like a lead balloon. During the trial, it was revealed that McDonald's required its franchises to serve coffee at 180 - 190 degrees (which was 20 - 30 degrees hotter than other restaurants). At that temperature, experts testified that the coffee would cause 3rd degree burns in roughly 3 to 7 seconds. Such severe burns could require skin grafting, debridement, and whirlpool treatments and could result in permanent disfigurement, extreme pain, and disability for months, and in some cases, years. Furthermore, a quality assurance supervisor from McDonald's testified that the company had received 700 reports of burns from scalding hot coffee burns in 10 years. McDonald's never so much as consulted a burn expert regarding the issue.

A 12-person jury found McDonald's was 80% responsible and Liebeck was 20% responsible. McDonald's, they concluded, had engaged in willful, reckless, malicious, or wanton conduct. The jury awarded Liebeck \$200,000 in compensatory damages and \$2.7 million in punitive damages (equal to 2 days of McDonald's coffee revenues). The judge reduced the damages to \$160,000 and \$480,000, respectively. After both parties appealed, they settled out of court for an undisclosed amount less than \$640,000.

The facts of this case and the outcome are quite a bit different than how they are typically portrayed in the media even to this day. We want to know what you think? Find us on Facebook and let us know!

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