

Family of dead kindergartener wins \$10 million settlement



by Michael Rubinkam
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PHILADELPHIA (AP) — The mother of a kindergartener who died when an upright, folded cafeteria table fell on him has settled a wrongful-death lawsuit against the table's manufacturer for \$10 million.

Lawyers for the boy's mother, Angeline M. Uberti, said Tuesday that Chicago-based Midwest Folding Products ignored warnings that its cafeteria tables were prone to tipping over. The settlement avoids a trial that was scheduled to begin this week.

"The charge we had from this family was to find out how and why a little kindergartener who goes to school in the morning comes home dead. The answers led us to the door of Midwest folding Products," lawyer [Thomas R. Kline](#) said.

Although Midwest discontinued the table that killed 5-year-old Jonathan Cozzolino, thousands of them are still being used in school district cafeterias, auditoriums and gymnasiums around the nation, Kline said, adding the company has never moved to recall the model involved in the accident.

"We were prepared to prove that these tables were unsafe and continue to be unsafe and continue to pose hazards of tipping over," he said.

Midwest is a unit of Sagus International LLC, which calls itself the largest manufacturer of school furniture in the United States. A Midwest official did not return a call for comment Tuesday, nor did the company's lawyer in Philadelphia, Joseph Goldberg.

Jonathan Cozzolino was standing in line at Hamilton Disston Elementary School in February 2001 when he leaned against the 250-pound table, causing it to fall on him. The youngster suffered a fatal head injury.

Underwriters Laboratories, an independent organization that tests consumer products for safety, had warned Midwest years ago that the tables posed a tipping hazard because the wheel base was too narrow, Kline said.

Cozzolino's mother also sued the Philadelphia School District, which settled last year for \$500,000, the maximum allowed by state law.

The U.S. Consumer Product Safety Commission warned the public about the dangers of folding cafeteria tables in 1989 after six children died and 14 others were injured.

As of 2001, three more children had died and another four were injured, according to the government. More recent figures were unavailable Tuesday because bad weather shut down many government agencies but there has been at least one other death, Six-year-old Jarod Bennett suffered a skull fracture and died after a cafeteria table tipped over on him at an elementary school near Cincinnati last month.

Members of the National School Plant Management Association are well aware that portable cafeteria tables pose a risk if not handled properly, said Thomas O'Reilly, the organization's president. O'Reilly, whose full-time job is director of buildings and grounds at the Pleasant Hill School District in Pleasant Hill, MO., said cafeteria tables are stored in locked rooms when not in use.

"Its one of those things that we as a group need to keep an eye on," he said.