

# \$10 million settlement reached in boy's death

## *The Philadelphia Inquirer*

*A 5-year-old from N.E. Phila. was killed when a lunch table fell. A lawyer said the model was known to be unstable.*

By I. Stuart Ditzen  
Inquirer Staff Writer  
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A Chicago manufacturer has agreed to pay \$10 million to settle a negligence case involving a 5-year-old boy who was killed when a school lunch table fell on him in 2001, a lawyer for the boy's mother said yesterday.

[Thomas R. Kline](#) and Midwest Folding Products had agreed to the settlement with the mother of Jonathan Cozzolino, who suffered fatal head injuries when a table toppled on him at Disston Elementary School on Feb 1, 2001.

The boy was in the lunch line at the school in the Tacony section of Northeast Philadelphia when he leaned on a heavy, 12-foot-long table that was folded in half and standing on end. The table tipped and crashed down on him.

Twelve years earlier, in 1989, the U.S. Consumer Product Safety Commission had launched a nationwide warning program to alert school officials to the dangers posed by vertically stored cafeteria tables which can weigh as much as 350 pounds.

Celia Cummings, communications director for the Philadelphia School District, said yesterday that all cafeteria tables were inspected after the boy's death and that more than 1,000 were deemed faulty and discarded.

Cummings said the district still has 3,360 folding tables, some of which are 12 feet long. Others are 8 feet long.

Cummings said the district plans to replace the longer tables, but tipping guards will be ordered for them while they remain in use.

She said the district sat a policy to store cafeteria tables away from doors and away from high traffic areas.

Kline said he developed evidence through his suit showing that the model of table that fell on Jonathan Cozzolino was known to be a tip-prone and unstable when upright, but that Midwest Folding products failed to alter the design to reduce the danger.

Officials at Midwest did not respond to inquiries yesterday.

The boy's mother, Angeline Uberti of Tacony, sued the Philadelphia School District and the table-maker for negligence a week after her son's death.

Wendy Beetlestone, general counsel for the school district, said yesterday the school system settled the case more than a year ago for \$500,000 - the legal cap on injury claims against schools.

The Common Pleas Court docket shows that a settlement was reached with Midwest last month but does not list the terms.

Court settlements often are kept confidential at the insistence of the defendant, but Kline said he rejected a confidentiality provision in the Cozzolino case.

Kline said the case raised "a significant public-safety issue" because he believed the type of table that fell on the boy was still in use in the schools.