

Man Sues Applebee's for Burns He Sustained Praying Over Sizzling Fajitas

A New Jersey man cannot collect damages for burns he suffered while bowing his head in prayer over a sizzling steak fajita skillet at Applebee's, a state appeals panel ruled Wednesday (March 4).

In March 2010, Hiram Jimenez visited the restaurant with his brother, Rafael, and ordered a steak fajita, which was brought to him in a sizzling skillet, according to court records. The waitress allegedly did not warn him the dish was hot.

After receiving the food, Jimenez and his brother decided to pray, and Jimenez bowed his head close to the table. As he was praying, he claimed he heard a loud sizzling noise followed by a grease pop, and felt a burning sensation in his left eye and on his face.

Jimenez said he panicked and knocked the plate of food on his lap, causing more burns. None of the burns left any scarring, records show. He sued in state Superior Court, claiming he suffered serious injury after the restaurant negligently gave him hot food.

The lower court dismissed the case, finding that the danger posed by the sizzling fajita plate was "open and obvious" and that Jimenez chose to put his face close to it. Jimenez appealed, and an appeals panel agreed with the lower court's findings.

"Here, the danger posed by a plate of sizzling hot food was self-evident," the two-judge panel ruled.