

# TRIALS DIGEST<sup>®</sup>

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**SETTLEMENT RESULT: \$200,000**

## VEHICLE NEGLIGENCE

**48 TD 13TH 25**

### Chain-reaction collision occurs on freeway exit

#### VEHICLE NEGLIGENCE

Motor Vehicle v. Motor Vehicle/Chain Reaction Collision/Rear-End

#### LOS ANGELES COUNTY SUPERIOR COURT

*Mednick v. Nierenberg*, Docket number: SC106901, Santa Monica. Judge: Not reported. Trial type: Settlement. Settlement date: 10/7/2010.

#### SETTLEMENT: \$200,000

After initial settlement discussions, a lawsuit was filed and served, discovery was taken, and the case was mediated before Mediator Jeff Kravis, Esq. resulting in the \$200,000 settlement.

#### COUNSEL

**Plaintiff:** Scott J. Corwin, A Professional Law Corporation, Los Angeles.

**Defendant:** Steve Kotulak, Ives, Kirwan & Dibble, Los Angeles.

#### FACTS/CONTENTIONS

According to plaintiff: On February 2, 2009, plaintiff Arlene Mednick, a 66-year-old Los Angeles Unified School District special education teacher, was operating her 1991 Toyota Previa vehicle north on the 405 freeway on the Santa Monica Boulevard exit in the number 2 lane. Defendant Nierenberg was driving a Toyota Rav vehicle north on the 405 freeway in the same lane. Plaintiff alleged defendant failed to stop and rear-ended plaintiff's vehicle, thereby pushing plaintiff's vehicle into the vehicle in front of plaintiff.

Plaintiff alleged defendant driver was negligent in the operation of a motor vehicle and that all of plaintiff's claimed injuries were a direct result of the subject motor vehicle accident. Defendant disputed the nature and extent of plaintiff's claimed injuries. Defendant claimed plaintiff would not require surgery as a result of her injuries. After her surgery, defendant claimed a rear-end accident could not cause a rotator cuff tear.

#### CLAIMED INJURIES

According to plaintiff: As a direct result of the collision, plaintiff suffered injury to her neck, shoulders, back, and right shoulder. Plaintiff received physical therapy to the injured areas. Because of ongoing pain, plaintiff's orthopedist prescribed a right shoulder MRI. The MRI revealed a full-thickness rotator cuff tear. Plaintiff underwent a right shoulder arthroscopic surgery. Plaintiff made an excellent recovery with no residuals.

#### CLAIMED DAMAGES

According to plaintiff: \$81,282 past medical; no future medical; no loss of earnings.

#### SETTLEMENT DISCUSSIONS

According to plaintiff: Plaintiff initially demanded \$500,000. Defendant offered \$9,000 raised to \$12,000 raised to \$20,000.

#### EXPERTS

None.

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