SETTLEMENT RESULT: $100,000

VEHICLE NEGLIGENCE

30 TD 9th 30

SETTLEMENT—Driver rear-ended while stopped at red light

VEHICLE NEGLIGENCE
Motor Vehicle v. Motor Vehicle/Rear-End/Parked/Stalled/Stopped Vehicle/Chain Reaction Collision

NO COURT/UNFILED SETTLEMENT
Mlynarczyk v. Lustgarten. Settlement date: 2/6/2006.

SETTLEMENT RESULT: $100,000
The parties settled for policy limits.

COUNSEL
Plaintiff: Scott J. Corwin, Law Offices of Scott J. Corwin, Los Angeles.

Defendant: None.

FACTS/CONTENTIONS
According to plaintiff: On July 28, 2005, plaintiff Steve Mlynarcayk, a 26-year-old investment banker, was driving a 2004 Nissan 350Z westbound on Santa Monica Boulevard in the number three lane in Los Angeles. Plaintiff was stopped behind several vehicles at a red light at Veterans Boulevard when defendant Andrew Lustgarten, driving an Acura SUV, rear-ended him. The impact of the collision pushed plaintiff's vehicle into the vehicle directly in front of him.

Defendant admitted liability but disputed the nature and extent of plaintiff's claimed injuries. Defendant contended that he took a recorded statement of plaintiff two days after the accident and plaintiff never mentioned any injury to his left shoulder. Defendant further contended that a left shoulder labrum tear could not result from a rear-end collision and that plaintiff's injury was a longstanding pre-existing degenerative condition.

CLAIMED INJURIES
According to plaintiff: Plaintiff sustained cervical and lumbar strain and sprain, requiring physical therapy. An MRI of the left shoulder revealed a labrum tear. Plaintiff's orthopedic surgeon recommended left shoulder arthroscopic surgery.

CLAIMED DAMAGES
Not reported.

SETTLEMENT DISCUSSIONS
Not reported.

EXPERTS
None.