

# Chicago Daily Law Bulletin.

## In the News

October 20, 2009 Volume: 155 Issue: 205

### In Circuit Court

The family of a man who was killed when a car crashed through the glass doors and windows of a Subway sandwich shop in Chicago has settled its lawsuit against the land owner for \$1 million, according to the family's lawyer.

Andrzej Swiderski Jr. was ordering a sandwich at Subway near Nagel, Milwaukee and Devon avenues on July 13, 2004, when a 1999 Chrysler Sebring, driven by an 85-year-old man who mistook the accelerator for the brake, left the parking lot and slammed into the shop, pinning the patron between the car and the restaurant counter, and slashing his throat, said [Antonio M. Romanucci](#) of Law Offices of Romanucci & Blandin, who represented the restaurant patron's estate.

The settlement was reached Friday, Romanucci said, during jury selection in a trial that was set to begin before Cook County Circuit Judge [Irwin J. Solganick](#), who dismissed the case, *Andrzej Swiderski Sr., etc. v. George Karkazis, etc.*, No. 04 L 9379.

Other defendants in the case — the driver, the restaurant chain's owner and the shop's franchisee, and Chrysler Corp. — had previously reached settlements of \$250,000, \$120,000 and \$10,000 respectively, according to Romanucci.

Romanucci said the case is significant in that the lawsuit primarily targeted the owner of the premises on which the Subway was situated, alleging that the negligence of a third party was foreseeable because of a poorly designed parking lot and no protective barriers between the lot and the front of the restaurant. He said the case is one of the first to test the recent Illinois Supreme Court ruling in *Marshall v. Burger King*.

The landowner was represented by [Richard J. Aronson](#) of Bruce Farrel Dorn & Associates. He declined to comment.