

# VERDICTS & SETTLEMENTS

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## Elderly Driver Will Pay Family Of Killed Cyclist \$12.5 Million

By Rebecca U. Cho  
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LOS ANGELES — Thousand Oaks dental surgeon Glenn Garvin was riding in the bicycle lane with a friend in the fall of 2006 when an 82-year-old driver with vision problems struck him from behind and killed him. The driver had found out a month before that she had cataracts.

Last week, a Ventury County Superior Court jury awarded \$12.5 million to wife Pamela Garvin and his two minor children in a wrongful-death trial that lasted a week. *Garvin v. Seigel*, SC048427 (Ventura Super. Ct., filed Nov. 3, 2006). The amount is one of the largest wrongful-death and personal-injury settlements ever in Ventura County, according to Jonathan Light, the president of the Ventury County Bar Association.

Glenn Garvin, 49, was a longtime cyclist who was the head of bicycle safety for the city of Thousand Oaks.

The driver, Norma Seigel, of Thousand Oaks, admitted responsibility for the death before trial, and, as a result, the trial focused on monetary damages.

Oxnard personal-injury attorney Mark Hiepler, who represented the plaintiffs, said the jury's consideration of "noneconomic" damages, such as loss of care and comfort, in addition to the loss of wages led to the immensity of the verdict.

"This was a unique father, a community activist," Hiepler said. "Besides making a good living, he spent so much time with his kids at games, recitals. He had an unblemished 25 years of marriage to a wife to whom he was completely devoted. I think the jury saw that."

The family's loss for Glenn

Garvin's wages alone was \$5 million to \$7 million, Hiepler said. In 2006, the surgeon made \$746,633, according to court papers.

Hiepler said he hopes the case serves as a wake-up call to legislators for the need for better laws for aging drivers.

In a 2003 incident, 86-year-old George Russell Weller plowed into the Santa Monica Farmers Market, killing 10 people and injuring several others.

By 2024, one in four drivers will be at least 65, according to the National Older Driver Research and Training Center, based in Gainesville, Fla.

Although California requires renewals of licenses every five years, the state does not require drivers to take driving tests to obtain renewals and does not require tests based on age, in part because of political pressures against age discrimination.

Elderly drivers in California may be mandated to take a driver's test under the written recommendation of a physician, but such letters are rarely written, Hiepler said.

Seigel was advised by her ophthalmologist to get cataract surgery on Aug. 8, a month before the Sept. 16 incident, according to court records. No letter was written alerting the Department of Motor Vehicles to Seigel's condition.

The defendant's attorney, Robert Hanger, a Woodland Hills lawyer at Hanger, Levine & Steinberg, said his objective in the trial was to bring in a verdict in the lowest amount possible for his client.

"The only thing I could do was present to the jury that Dr. Gavin was presented to you as a rose without thorns; while he was a rose, he certainly had some

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thorns," Hanger said.

In trial, he said, he presented a family therapist's records that showed issues arose between Garvin and his wife and children.

During the trial, Hiepler highlighted the noneconomic losses, such as Glenn Garvin's absence from future college graduations, Father's Days and family hikes.

The large verdict was unusual because jurists in Ventura County have a reputation for conservatism,

bar president Light said.

"Typically, it is a better place to be a defendant than a plaintiff," Light said. "Obviously, this is one of the cases where the jury was impacted by the emotion and loss of life."

Hiepler said he plans to present a legislative proposal for elderly drivers to undergo a driver's test every five years after they reach 70. He said the proposed law would enact checks on drivers who may be unaware of their deteriorating driving abilities.