

# VIRGINIA LAWYERS WEEKLY

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## Family settles death claim for 85-year-old for \$1M

The family of an 85-year-old man who was killed when a pickup truck rolled over him has reached a \$1 million wrongful death settlement with the garage that repaired the truck.

“It was a big emotional case,” said John E. Zydron, a Virginia Beach attorney who represented the family. “I think that added to the value of it.”

Much of the emotion stemmed from the relationship of the man, Robert B. Adams, and the family that owned the garage, Pete’s Auto Service Inc. of Denbigh Inc. in Newport News.

Ownership of the garage is in its third generation, and all three of those generations had worked on Adams’ vehicles. The current owner, Lynne Walker, had spoken personally with Adams about the repair.

A retired Northrop Grumman employee, Adams had spent most of his life near Newport News, but his daughter, Laura L. Venable, had bought a farm near Hillsville in Southwest Virginia after she retired as a captain in the Navy. Venable and her parents built separate homes on the farm.

While he was attending the fu-

neral of his brother in Newport News in March 2010, Adams noticed that fluid was leaking from the truck. He took it to the garage and Walker told him that its transmission would have to be pulled so the seals could be replaced.

Adams left the truck with the shop and retrieved it a few days later. Within 10 days of taking it back to the farm, Adams went to get a can of diesel fuel for a contractor who was working on a driveway and parked the truck on a shallow incline.

As Adams removed the can from the back of the truck, it rolled over him, and he died a few days later.

His death was devastating for his family, Zydron said. Despite his age, Adams “was in excellent health. He didn’t take any medication.” He managed the farm and took care of the horses on it, lifting bales on hay and engaging in other heavy labor, Zydron said.

More important, he was the caregiver for his wife, who was in poor health and unable to take care of herself.

With the trauma of Adams’ death and the concern about taking care of his widow, the truck sat where it had stopped for a couple of months, Zydron recalled.

Venable called a Hillsville attorney, Elizabeth Rakes, who



ZYDRON



SMITH

referred the matter to Newport News lawyer Stephen M. Smith. Smith in turn brought in Zydron and his partner, Carlton F. Bennett.

Zydron proposed that the family and the garage’s insurer hire their own experts and examine the truck together.

The examination showed that a \$5.14 part was not replaced when the transmission was repaired. As a result, when Adams put the vehicle into park, the linkage had not engaged the transmission to immobilize the vehicle.

After his death, the family hired a live-in nurse at a cost of \$8,000 a month to provide the care that Adams had given his wife.

The case settled last month after a long day of mediation conducted by retired Virginia Beach Circuit Judge Thomas S. Shadrick, Zydron said.

— By Alan Cooper