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\$2 million awarded for wreck

• Stark woman, mother win damages in suit over drunken-driving wreck

BY DAVID KNOX
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A Stark County woman and her 82-year-old mother who were severely injured when a drunken driver crashed into their car have won a jury award of more than \$2 million in their lawsuit against the driver and two restaurants that he and his family own.

Georgiana M. Colvin, 53, of Lake Township and her mother, Sarah Romano of Akron, were injured on Oct. 3, 1994, when their car was struck head-on by a car driven by Kenneth E. Perkovich that crossed the center line on Market Avenue North in Lake Township.

In addition to Perkovich, the lawsuit named as defendants Abbey's Restaurant of Akron and Hartville Pantry, in Stark County.

Perkovich, who was an officer of both restaurant corporations and the manager of the Hartville Pantry, was driving a company car at the time of the crash. The suit, filed in February 1995 in Summit County Common Pleas Court, also accused

Abbey's Restaurant of negligence for knowingly serving Perkovich alcohol when he was noticeably drunk.

Perkovich is serving a 2½-year sentence in the Grafton Correctional Institution after being convicted in Stark County of aggravated vehicular assault involving alcohol. He was returned to prison after the 12-day trial of the lawsuit ended Wednesday.

The jury awarded Georgiana Colvin, who appeared in court in a wheelchair, \$1.2 million in compensatory damages. Her mother was awarded \$300,000, and her husband, Dudley Colvin, was granted \$50,000.

The jury also awarded separate judgments for medical expenses totaling \$491,000 to the two women and punitive damages totaling \$5,000.

After the close of testimony but before the jury returned its verdicts, Abbey's Restaurant agreed to an out-of-court settlement that will be subtracted from the jury's award. Abbey's Restaurant is no longer in operation.

The jury also said the Hartville Pantry was liable for \$11,000 in

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WRECK

• Abbey's Restaurant settles before verdicts

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damages, but visiting Judge Glen B. Morgan set aside that verdict, ruling that Ohio law does not permit separate damages to be assessed against individual defendants.

Timothy F. Scanlon, attorney for the Colvins and Romano, said he plans to retry the case against Hartville Pantry.

Scanlon said the trial lasted so long — 12 days — because Perkovich denied that he was intoxicated, despite his criminal conviction. Perkovich was convicted after pleading no contest, which is not an admission of guilt.

"None of them admitted anything," Scanlon said. "He said he went left of center to avoid hitting a deer."

Scanlon said Georgiana Colvin has been in a wheelchair since the crash, and medical experts testified she probably will never be able to walk without the assistance of a cane.

"She had very serious injuries — a shattered lower right leg that had to be fused," Scanlon said. "She has no movement in the ankle joint. She will require a right knee replacement."

Georgiana Colvin said her mother also was severely injured, suffering a broken neck, more than a half-dozen fractured ribs and a shattered knee.

Colvin said she hoped the outcome of her lawsuit would help "get through to people the devastation that drinking and driving can cause."

"I wouldn't want this to happen to someone else."