

Catsouras family settles lawsuit over grisly crash images

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LADERA RANCH – Ending a 4½-year court battle that rewrote state law, a Ladera Ranch family tormented by grisly accident photos of their daughter on the Internet has settled a lawsuit against the California Highway Patrol for leaking images that went viral worldwide.

The financial terms of the settlement, reached late Friday after a judge ordered the two sides to talk ahead of a jury trial scheduled for March, were not immediately available.

The deal puts an end to an emotionally charged legal drama waged by Lesli and Christos Catsouras on behalf of their daughter, Nicole “Nikki” Catsouras.

Nikki’s horribly disfigured remains are permanently on display on hundreds of websites after an Oct. 31, 2006, crash that left the 18-year-old nearly decapitated.

On top of the grief of losing the eldest of their four daughters, Lesli and Christos Catsouras say they and their three surviving daughters have had to endure a never-ending nightmare of knowing that a click of a mouse can unknowingly bring up ghastly images of Nikki on their computer screen.

“The family was compensated for the emotional pain and suffering associated with the release of the photos,” Catsouras family attorney Keith Bremer said Sunday. “The CHP came to the table with significant funds in an effort to resolve this case and remove any chances of a monumental verdict.”

An attorney for the CHP was not immediately available for comment.

HIGH-SPEED CRASH

Nikki was killed after she sped off in her father’s Porsche on the afternoon of Halloween 2006. It was a high-performance vehicle she had never driven before, according to her parents. Driving more than 100 mph, she lost control of the Porsche after she clipped another car on the 241 toll road in Lake Forest.

The Porsche then careened from northbound lanes across a grassy median into the southbound lanes before slamming into an unmanned toll booth.

Nikki died instantly. The driver of the other vehicle did not suffer significant injuries.

Within two weeks, images of Nikki’s body – slumped but still buckled into the front seat of the mangled black Porsche – began popping up on websites. The images were taken by CHP investigators

on the scene and never were supposed to be publicly released.

The CHP later admitted that two dispatchers were responsible for the leak.

Compounding her parents' anguish, authorities prevented Christos and Lesli Catsouras from viewing Nikki's body after the accident – telling them she was unrecognizable and that seeing her remains would be too traumatic.

Soon, anyone with an Internet connection would be able to see the teenager's body – and still can.

In addition to proliferating on the Internet, some of the photos – accompanied by taunting messages – were sent anonymously to Nikki's parents. One of their daughters had to be homeschooled after rumors flew that photos of her dead sister were going to be hung up in her high school locker.

'CYBERBULLYING' ISSUE

The Catsouras saga quickly became national and international news, prompting debates about “cyberbullying” and the rights of free speech vs. a family's right to privacy as well as their rights to protect the legacy of a loved one.

Although the CHP took responsibility for leaking the accident-scene photos, blaming it on the two dispatchers who believed they were doing no wrong by sharing the macabre images in emails to friends and family on a day that embraces the ghoulish, the agency resisted talk of a settlement until Friday, Bremer said.

One of the dispatchers, Thomas O'Donnell, was disciplined but not fired – he was suspended for 25 days without pay. The other, Aaron Reich, resigned for reasons he said were unrelated to the leaked pictures.

O'Donnell was released from the lawsuit during judicial proceedings, and Reich filed for bankruptcy, which meant the lawsuit against him was stayed.

In their initial claim against the CHP, the Catsouras family sought \$20 million in damages. Bremer declined to disclose the amount of the settlement in an interview Sunday, as did Lesli and Christos Catsouras.

“The Catsouras family will be paid a significant dollar amount,” said Bremer, of Bremer Whyte Brown and O'Meara in Newport Beach. “The CHP has also agreed to cooperate with the family going forward as it relates to efforts to get the offending photos off the Web.”

The lawsuit – tossed out by a judge in 2008 but later found to have merit by a panel of appellate justices – rewrote law throughout California concerning the privacy rights of surviving family members when it comes to death images of a decedent.

Previously, under state law, surviving family members had no right of privacy “in the context of written media discussing, or pictorial media portraying, the life of a decedent,” according to court documents, but the Catsouras lawsuit has changed that.

Now, surviving family members have privacy rights under certain circumstances.

On Friday, Orange County Superior Court Judge Ronald Bauer ordered the mandatory settlement conference and an agreement was reached later that day, Lesli Catsouras said. She said she still is digesting the news but is happy the legal fight is over.

Mandatory settlement conferences are routinely ordered by judges as a trial approaches to encourage resolution between the two parties.

Although admitting that it was not appropriate for the images of Nikki's dead body to be leaked onto the Internet, the CHP argued in court papers that its actions, in releasing the photos, were protected under a number of legal theories, including free speech and the Internet Protection Act.

The CHP also sought to dismiss Nikki's three sisters from the lawsuit, saying the surviving children had no standing to bring the action along with their parents.

SOME CRITICIZED LAWSUIT

Some critics of the Catsouras lawsuit said the photo leak was an unfortunate consequence of the actions of their daughter – she had not been drinking, but minute traces of cocaine were found in her system – and that the images serve a purpose into shocking drivers into being more careful.

In addition to compensating the Catsouras family for pain and suffering, the CHP, as part of the settlement, agreed to cooperate with the family going forward as Nikki's survivors fight to get the offending photos off the Internet, Bremer said.

Although the family has spent thousands of dollars trying to get the photos permanently deleted from the Internet – an impossible task, they acknowledge – the effort will continue, they say.

Their lawyer agreed.

“The Catsouras family is pleased that this case established laws to protect against this type of activity going forward, and that it has raised significant awareness concerning cyberbullying,” Bremer said.

“Public entities throughout the U.S. have now established protocols to ensure photos like these that serve no public benefit remain protected so that other families are not subjected to the taunting and bullying that still goes on even today.”

Lesli Catsouras said she, her husband and Nikki's sisters “continue to remember and celebrate the great memories and the life we shared with Nikki.”

She said that she and her husband – a real estate agent – continue to avoid the Internet.

And she said that her surviving daughters – Danielle, 21; Christiana, 19; and Kira, 13 – still follow a rule in their household:

Never go online