

Local

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Ruling on Catsouras lawsuit delayed

Appellate court seeks more arguments from attorneys.

By GREG HARDESTY
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An appellate court ruling on a high-profile lawsuit involving accident-scene photos leaked onto the Internet will not be issued Monday as was expected because justices want more arguments from attorneys.

The three-justice panel at the 4th District Court of Appeal in Santa Ana asked attorneys Monday to answer seven questions about a lawsuit filed by the family of Nicole "Nikki" Catsouras against the California Highway Patrol.

The Catsouras family, of Ladera Ranch, is seeking damages for alleged negligence and invasion of privacy after graphic pictures of their daughter's body after a high-speed crash in Lake Forest were circulated on the Internet.

The CHP admitted that two employees violated agency and state law by causing the accident-scene photos to go public.

An Orange County Superior Court judge dismissed the lawsuit last year, however, ruling that the CHP had no special duty to protect the privacy of Nikki's survivors.

The Catsouras family appealed that ruling, hoping to reach a settlement with the CHP or to get the lawsuit before a jury.



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Nikki Catsouras' family, clockwise from top left: mother Leslie, adoptive father Chris-tos, and sisters Kira, Danielle and Christiana. They seek damages for alleged negligence and invasion of privacy after graphic pictures of the accident scene went online.



COURTESY PHOTO

Nicole "Nikki" Catsouras, 18, at her graduation from Tesoro High School.

Attorneys for both sides were told Monday to submit written responses by July 2. The appellate court will then have 90 days to is-

sue a ruling.

Among the seven questions attorneys were asked to elaborate on was whether the CHP had a duty, when collecting evidence at the crash scene, to "handle the evidence in such a manner as not to create or increase a risk of emotional harm to the family members of Nicole Catsouras," according to a legal filing issued Monday.

The lawsuit has the potential to rewrite California law concerning privacy issues relating to survivors of a deceased person.

Nikki was 18 when she hopped into her father's Porsche on Halloween Day in 2006 without his permission.

Driving the high-performance sports car for the first time at speeds exceeding 100 mph, she lost control after clipping another car on the 241 toll road. She was killed instantly when the Porsche slammed into a concrete toll plaza structure.

Nikki became a posthumous Internet sensation when photos of her remains spread on Internet sites and even turned up in anonymous e-mails to her parents and on the cell phone of one of her three surviving sisters.

CONTACT THE WRITER:
949-454-7356 or
ghardesty@ocregister.com