

THE ORANGE COUNTY BETA REGISTER

Family rejects \$100k offer in fatal police crash

By [LOU PONSI](#)

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LA HABRA — A trial date has been set in a lawsuit against the city over a couple's death, and family members have rejected a \$100,000 offer to support the couple's youngest child, the family's attorney said.

On April 5, 2009, La Habra residents Charles Antuna, 55, and his wife, Susanne, 54 were riding in their Chrysler P.T. Cruiser when it was struck broadside by La Habra police car driven by Officer Nancy Garcia. The couple died as a result of their injuries.

Garcia was responding to a call to help other officers searching for a parolee.

The Antunas four children allege that Garcia was responsible for the couple's death and filed a claim for unspecified damages on April 24, 2009.

In January, the children sued La Habra in Orange County Superior Court, alleging Garcia "was driving without due regard for the safety of all persons using the roadway" and with a "willful and conscious disregard for other motorists."

The two sides were unable to reach an agreement in a mediation session on March 9.

A week later, the parties appeared in court, at which time a trial date was set for Sept. 13.

"We've been in prolonged settlement discussions and we were unsuccessful, so we decided to move forward," said Robert Stone, the attorney for the Antunas."

Three of the Antunas' children are adults, and the youngest is under age 14.

The Antunas declined the city's offer of \$100,000 to provide for the care of the couple's minor child until the case is settled, Stone said. The City Council on Monday authorized the payment.

"We don't want to settle this case piecemeal," he said.

In September, the California Highway Patrol, which investigated the crash, recommended that the Orange County District Attorney's office consider vehicular manslaughter charges against Garcia. Charges have not been filed.

"The case is still under review," district attorney's spokeswoman Farrah Emami said.

According to the CHP report, Garcia's car was traveling northbound on Euclid Street at La Habra Boulevard with its siren on and red lights flashing when it struck the Antunas' car, which was going eastbound on La Habra. Garcia was traveling at least 62 mph, according the CHP investigation.

"We are going to take some issue with regard to the CHP report and it is a matter that will be discussed at trial," said Keith Bremer, the attorney representing La Habra.

Susanne Antuna died at the scene and Charles Antuna died early the next morning at UCI Medical Center in Orange.

Garcia sustained a fractured left arm and has been assigned to non-patrol duties since the crash.

According to claim documents, the couple was on en route to their youngest daughter's choir performance.

The police department is conducting its own investigation of the crash.

"The DA's decision on this case will determine how and when our internal investigation moves forward," La Habra Police Chief Alan Hostetter said in an e-mail."

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