

# THE ORANGE COUNTY BETA REGISTER

## High court declines to review CHP Catsouras photo case

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The state Supreme Court on Wednesday declined to review a lower court ruling in a lawsuit over gruesome death-scene photos leaked by the California Highway Patrol, clearing the way for a possible jury trial in the case.

The lawsuit, brought by the Catsouras family of Ladera Ranch, accuses the CHP and two of its employees of negligence and violating the family's right to privacy by causing graphic crash photos of Nikki Catsouras, 18, to go viral on the Internet.

In declining to review the Jan. 29 ruling by the 4th District Court of Appeal in Santa Ana, the state Supreme Court also denied the CHP's request for "de-publication" of the opinion.

That means the ruling will remain as binding new case 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 the appellate court decision.

"We are ecstatic that the California Supreme Court, the highest court in the state, agrees with our position and that of the 4th Appellate," Catsouras family attorneys Keith G. Bremer and Tyler D. Offenhauser, of Bremer Whyte Brown & O'Meara in Newport Beach, said in a statement. "We look forward to confronting the CHP for their egregious conduct."

The CHP does not comment on litigation. In a previously released statement, the agency called the accident "tragic" and its aftermath a "difficult, unfortunate situation."

Attorneys for the CHP and its two employees, Aaron Reich and Thomas O'Donnell, have the right to appeal their case to the U.S. Supreme Court, but Bremer said he expects the decision to stand and the lawsuit to proceed toward a settlement or jury trial in the coming months.

Jon R. Schlueter, Reich's attorney, and R. Rex Parris, O'Donnell's attorney, could not be reached for comment.

Reich and O'Donnell, through their attorneys, previously have maintained they meant no harm to the Catsouras family.

The CHP dispatchers have said they sent the images to warn family and friends about the dangers of speeding and driving under the influence, although Nikki Catsouras was not found not to be under the influence of alcohol or drugs when she crashed.

Catsouras, a graduate of Tesoro High School and an aspiring photographer with three younger sisters, was killed in an automobile accident on Oct. 31, 2006.

She died after taking her father's Porsche without her parents' permission. She lost control driving more

than 100 mph on the 241 toll road in Lake Forest, slamming into an unmanned toll station.

Several days later, graphic photos of her remains began appearing on Web sites, eventually spreading to more than 2,500 sites worldwide, according to court documents.

The images, some accompanied by taunting messages, also were sent anonymously to her parents, Christos and Lesli Catsouras, in emails.

The CHP later apologized to the Catsouras family after admitting that Reich and O'Donnell emailed the images to their friends and relatives for apparent shock valued on Halloween.

The Catsouras family sued, but in March 2008, Orange County Superior Court Judge Steven L. Perk dismissed the lawsuit – a decision the appellate court reversed in January.

"The alleged acts (of the CHP) were morally deficient," the appellate court said in its 64-page opinion.

"It is a sad day, to be sure, when those upon whom we rely to protect and serve do the opposite, and make the decapitated corpse of a teenage girl the subject of international gossip and disrespect, and inflict devastating emotional harm on the parents and siblings of that girl," the ruling said.

"The CHP should know better. Every one of its officers should know better. The CHP is in a position to ensure that this does not happen again."

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