Nicole "Nikki" Catsouras' Family Settles with CHP Over Release of Grisly Crash Photos

By Matt Coker

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The California Highway Patrol and the family of an 18-year-old woman who was nearly decapitated in an Oct. 31, 2006, traffic accident have settled a lawsuit her family brought against the CHP over horrific images of the deceased spreading on the Internet.

The family of **Nicole "Nikki" Catsouras** will reportedly be paid a significant amount of money, and the CHP will work with her parents, **Lesli and Christos Catsouras** of Ladera Ranch, to get the offending photographs removed from websites.

The young woman was driving a Porsche 911 southbound on the 241 toll road the afternoon of Halloween 2006 when she clipped a car she was trying to pass at more than 100 mph and lost control. On normal freeways around here, the Porsche would have collided with a cement barrier separating traffic moving in opposite directions. But because the toll road only has a median, the Porsche drifted into the northbound lane where it smacked into a tollbooth.

Highway Patrol employees **Thomas O'Donnell** and **Aaron Reich** emailed crash photos, including closeups of Nikki Catsouras, to friends and family members. The images later went viral. Catsouras' parents sued for $20 million on behalf of their daughter, but Orange County Superior Court Judge **Steven L. Perk** found that the family had not standing to file a complaint.

However, the Santa Ana-based California Court of Appeal--calling O'Donnell and Reich's actions "vulgar" and "morally deficient"--reversed Perk in February 2010, finding that the family could sue for for intentional infliction of emotional distress and sending the case back to the lower court.

"The photographs were downloaded or otherwise transmitted to one or more CHP computers," the justices observed. "O'Donnell and Reich, without [the family's consent], e-mailed or otherwise transmitted graphic and horrific photographs of the decedent to members of the public who were not involved in the official investigation of the car crash. Thereafter, more than 2,500 Internet Web sites in the United States and United Kingdom posted the photographs. [The victim's family was] subjected to malicious taunting by persons making use of the graphic and horrific photographs."

According to the court, the family "suffered severe emotional and mental distress."

The appellate ruling re-wrote state law concerning the rights of family members when it comes to the distribution of images of the deceased.

O'Donnell, who is fighting discipline action taken against him by the CHP, was later released from the lawsuit. Reich, who resigned from the CHP for unrelated reasons and went on to file for bankruptcy, lost another round in the suit when the appellate court in May 2006 rejected his argument that posting the photos was protected speech and an anti-DUI lesson. Catsouras had not been drinking before the accident.

In anticipation of a March trial, Superior Court Judge **Ronald Bauer** ordered the two sides to attend a settlement conference Friday, and an agreement was reached later that day.

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949girl   1 hour ago

I remember someone emailing me that chain email years ago...those photos were extremely graphic and gruesome. Totally unethical for those two guys two have released the photos. I've read comments saying she deserved what she got because she was speeding and had cocaine in her system...no one deserves to die like that and then to have it shown online.

I do agree that the photos should be used in class settings like Red Asphalt for drivers ed with the parent's permission though. That would be the appropriate place if the parent's gave consent.

20ftJesus 50 minutes ago

So, how much is this going to cost the taxpayer (or does the CHP have insurance for these types of things)?