

City faces suit

Ericksons' attorney files death claim

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Randy and Darrilyn Erickson talk about their daughter Lindsey Marie Erickson Wednesday in Santa Ana. (Walter Richard Weis/Staff Photographer)

One day after Chino's mayor closed the section of road where a woman was swept to her death, the woman's family moved a step closer to filing a wrongful-death lawsuit against the city.

Erickson family speak about daughter

Lindsey Erickson died after the pickup she was driving went into Mill Creek during a heavy rainstorm early Jan. 5. The barricades blocking the flooded section of Chino Corona Road that night had been removed.

Her boyfriend, a passenger in the pickup, survived.

Erickson's family originally expected to receive a copy of the 25-year-old Corona woman's 9-1-1 call on Wednesday. Chino police postponed releasing the tape to the family, however, stating the investigation was ongoing.

Instead of gathering at the police station, the three remaining Ericksons met with attorneys at the Santa Ana-based law firm of Callahan & Blaine, who filed a claim - a precursor to a lawsuit - against the city Wednesday on the family's behalf.

"It's always been us four," said Erickson's brother, Raleigh, 26, at the law offices. "I've got your back, you've got mine. We've always been a close group."

Mayor Dennis Yates announced Tuesday evening that the portion of road at the site where Erickson's pickup was swept into the creek will be closed "until a final solution can be found."

Yates said he made the decision for the safety of motorists, not to imply any fault on the part of the city, which he said has followed state and federal standards for road closures.

"The Public Works Department is working on a strategy for an alternative route or putting permanent fixtures in there," Yates said. "Until we come up with a solution, the best way to

protect the public in a rainstorm is to close it.

"The reason I don't want to wait until it starts raining again is you have to acclimate people who traverse through that creek."

Attorney Daniel Callahan said the mayor's move was a good sign, but too little and too late.

He also questioned the city's motive in rescinding its offer Wednesday to release a tape of Erickson's 9-1-1 call to the family.

"It was the last utterance Lindsey made prior to her death," Callahan said. "Maybe we'd learn something from the 9-1-1 tapes. That's why we have to hear them. It makes you wonder if there's anything on there we need to listen to that is being withheld."

Chino police Lt. Al Cheatham said initial plans to let the family listen to the tapes were postponed after a review.

"We still have a considerable amount of investigative work to do," Cheatham said. "Once .. the investigation is completed, we'll notify both the family and the media of the impending release of the 9-1-1 tape."

Cheatham said he did not anticipate that would be anytime soon.

According to Peter Scheer, executive director of California First Amendment Coalition, the tape is not exempt from the public record because of an investigation.

"In my view, they have to turn it over," Scheer said. "That record has an independent existence outside the investigation. It existed prior to an investigation."

"One possibility is they're trying to protect the family from a very horrifying tape and want to exercise some discretion in its release."

Callahan said the tape will provide closure for the family, but Erickson's mother, Darrilyn, 48, said she is in no rush to hear her daughter's call for help as her pickup was being swallowed by the raging creek.

"I'm not sure any of us are ready to listen to it now," she said. "But I understand it has to come out."

As Callahan prepares to pursue compensatory damages from Chino, which he says should have installed guardrails to keep cars from washing down the creek after previous incidents, the Ericksons are trying to cope with their grief.

"Where do we go from here? I don't have an answer. Nobody does," said Erickson's father, Randy, 55. "Just try to believe our love for each other will hold us together."

As the three sat close beside one another Wednesday, Raleigh Erickson said, "It definitely feels like something is missing, though."

Darrilyn Erickson agreed.

"Yeah, there's a big void ..."