

Summers: Agrees to \$400,000 settlement

Continued from/A1

along, they said, 'Let's just see what happens,' " Nacsin said.

Summers, who had filed an \$18 million lawsuit along with his sister, Karen Carino Mastin, said he reluctantly took the settlement because there were potential problems in rounding up witnesses for his trial, scheduled to begin Tuesday.

"I wanted to go to trial to set an example to other criminals who have badges," said Summers, who now lives in San Martin, near San Jose.

Summers said his primary regret is that the settlement will be paid by the city of San Bernardino and its insurance carrier, not by the police officers. "The criminals walked away. Only the taxpayers are left to pay," he said.

Attorney Tim Corcoran, who represented the city and the Police Department, said he believed the police officers had a defensible case but said the city's insurance carrier chose to settle because of the extreme costs involved in putting on a trial.

Corcoran said there also was a chance that a jury judgment against the officers "could have been very high."

"Recent case decisions have come down in favor of the plaintiffs in these types of cases," he said.

An insurance carrier will pick up \$300,000 of the settlement and the city of San Bernardino will pay \$100,000, said Bruce Gadbois, the city's assistant risk management director. Although the city is currently without liability insurance, it was covered when Summers' lawsuit was filed.

Other costs tied to the Summers case also have been hefty. The city has paid more than \$450,000 for legal fees and related expenses since Summers' lawsuit was filed in 1983, although Gadbois said the insurance carrier should pick up part of those costs.

The Summers criminal investigation and trial cost the county and city nearly \$750,000.

Corcoran said a federal judge earlier this month threw out civil charges Summers had brought

against the city of San Bernardino and four officers, including former police chiefs B. Warren Cocke and Ben Gonzales.

The judge did not dismiss the allegations against seven present and former police officers. Those named in the settlement are Meyer, John McDonald, Ernest Tull, Michael Maudsley, Donald Levan, Dale Roberts and Paul Bonanno.

Three of those officers were contacted Friday but declined to comment on the lawsuit settlement. Police Department spokesman Lt. Paul Bashaw referred all questions to Corcoran.

Summers also filed a complaint against former District Attorney James Cramer and another county prosecutor but the matter was separated from the city case and is still pending.

Summers' sister was involved in the suit because she was arrested early in the case, accused of helping her brother harbor the Wise children. She was jailed for three months, raised bail and was ordered to court once a month before the charges against her were dismissed.