

District Attorney

Lawsuit against Danner delayed

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SANTA CRUZ — The trial date for a taxpayers' lawsuit against District Attorney Art Danner was moved back from January to March by a superior court judge in a hearing yesterday.

Judge Thomas Black set the trial date Mar. 4.

The suit against Danner and the county was filed by Ed Frey, a Santa Cruz attorney who lost elections

against Danner in 1990 and 1994.

Frey's suit asks that Danner be required to pay the \$35,000 in salary and benefits that former Santa Cruz County prosecutor Catherine Gardner received for four months in 1994 without working.

Gardner was fired at the end of the four-month period. She had admitting she snorted what she thought was cocaine; she said it was under pressure from an abusive boyfriend.

Danner said he kept her on the payroll while he was trying to work out a settlement; Frey contends Danner wanted to keep the issue quiet during the campaign in the spring of 1994.

The decision to keep Gardner on the payroll without requiring her to work violated county personnel rules, Frey said. Danner did not clear his decision to grant Gardner paid administrative leave with the personnel director and extended

the leave long beyond the county limit, he said.

Last December, county supervisors ratified the action Danner took earlier in the year in paying Gardner.

In a hearing in October, Superior Court Judge Sam Stevens denied a motion to dismiss the case. He said papers submitted to the court did not establish that what supervisors did absolves the county from any liability in a taxpayer's suit.