



**Request for City Council Committee Action  
From the City Attorney's Office**

Date: June 30, 2005  
To: Ways and Means/Budget Committee  
Referral to:  
Subject: Chor Yang v. City of Minneapolis

**Recommendation:** That the Council approve settlement of this matter for the sum of \$30,000.00 payable to Chor Yang and her attorney Timothy J. Johnson from Fund/Org. 6900 150 1500 4000.

**Previous Directives:** None

Prepared by: Edward Backstrom, Assistant City Attorney Phone: 673-2072

Approved by: \_\_\_\_\_  
Jay M. Heffern  
City Attorney

Presenter in Committee:

<p><b>Financial Impact</b> (Check those that apply)</p> <p><input type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input checked="" type="checkbox"/> Other financial impact (Explain): Fund/Org. 6900 150 1500 4000</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>
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<p><b>Community Impact:</b> None</p>
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**Background/Supporting Information**

Chor Yang is making a claim of loss of consortium as the result of injuries to her husband, Wa Pao Vang, arising from an automobile accident caused by a Minneapolis squad car which struck

the vehicle her husband was driving. In 2002, prior to the initiation of litigation, the City settled the husband's claim for \$250,000. The timing of the settlement is significant because under Minnesota case law, a spouse can independently bring a claim for loss of consortium if the spouse's claim was settled prior to the service of a summons and complaint. In order to establish the claim Chor Yang must show she was married to her alleged husband. Her attorney has supplied documentation sufficient to establish this.

Since this claim is a derivative action, the facts underlying Chor Yang's husband's claim are important. His claim arises from a 9-27-99 automobile accident between a Minneapolis marked squad car and the Wa Pao Vang's vehicle. The officers were coming back to the station after being at the range. They were proceeding eastbound on Plymouth when they entered the intersection with Fremont where they struck a southbound vehicle being driven by the Wang. Two independent witnesses stated that the officers entered the intersection against a red light. The officers could not remember what color the light was when the squad entered the intersection.

Mr. Vang was taken unconscious to HCMC where he was treated for head, neck, and hearing injuries. Mr. Vang claimed audiologic testing demonstrated that the left ear had suffered a moderate to moderately severe mixed hearing loss. Mr. Vang claimed he has had memory difficulties since the accident, and that he has difficulty following a conversation. Mr. Vang also reported severe pain in his neck, low back, right arm, and right leg. Mr. Vang had another traffic accident subsequent to this one. Our IME doctor states that 80% of the injuries and disabilities can be attributed to our accident. His examination resulted in a finding that Mr. Vang's pupils were barely reactive to light, and that Vang had only trace reflexes in his knees, ankles and in his upper limbs. The additional MRI requested by our doctor revealed scarring from brain hemorrhaging, although the doctor did say that this was not reflective of the 1999 or 2001 motor vehicle accident. However there is no medical record of any other incidents where Mr. Vang suffered hemorrhaging on his brain. There was also a cervical MRI done which showed a cervical disc herniation with impingement of the nerve root. The IME doctor stated that this could account for the ongoing symptoms Mr. Vang was having in his neck and upper extremities. The doctor says the herniation could be a result of either the 1999 or 2001 accident.

Wa Pao Vang and Chor Yang are also pursuing an underinsured motorist claim against State Farm. This claim went to Hennepin County nonbinding arbitration which resulted in an award of \$999,000 against State Farm. Of that award \$365,000 was awarded to Chor Yang for loss of consortium.

Plaintiff's attorney initially demanded \$50,000, the remainder under the statutory tort cap, to settle the wife's claim. The plaintiff has now agreed to settle this matter for \$30,000.00. Settlement in this amount was approved by the City Attorney's office litigation committee.