



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

Date: November 16, 2004  
To: Ways and Means Budget Committee  
Referral to:

**Subject:** Bich Trinh v. City of Minneapolis

**Recommendation:** That the Council approve settlement of this matter for the sum of \$8,000.00 payable to Bich Trinh and her attorney Harold Hitchcock from Fund/Org. 6900 150 1500 6850.

**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 6850</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**

This is a claim arising out of a motor vehicle accident. On March 24, 2000, a City van operated by Gary Anderson of the Public Works Department was traveling south bound on Lyndale Avenue South. According to plaintiff, Mr. Anderson changed lanes by moving to his left after he passed Vineland Place. He apparently did not see the plaintiff's vehicle which was in the lane next to him and slightly behind him. As Anderson changed lanes he struck the plaintiff's vehicle causing damage to the front driver's side of her vehicle. Besides injuring plaintiff, the accident

resulted in an injury to Anderson which required treatment for three months. Anderson claims that damage to the van was minor. He was found not to be at fault in the accident by the city review board.

Plaintiff was treated at Park Nicollet clinic for knee pain, low back pain, cervical pain, and headaches. She had previously hurt her knee falling on some ice. MRI scans showed a normal knee and back. Plaintiff also had prior low back pain and headaches. She claims that all of these problems became much worse after the accident. Her doctor states that her neck and upper back pain were a direct result of the accident and that the accident also aggravated her prior low back pain, right knee pain and headaches. The doctor also states that the injuries are permanent. As a result of the accident plaintiff was also treated for depression, although this also appears to have been an on going problem as well.

Plaintiff claims that the pain from her injuries affected her ability to sleep. She also claims to be unable to work at her job as a tailor. She claims that she can't bend or kneel on the floor because of the knee problem or sit for extended periods, because of her back injury. Plaintiff had pool therapy and went to physical therapy several times. She claims the treatment did not help resolve her pain.

The accident report prepared by police officer responding to the accident is consistent with the plaintiff's version of the facts. Although Anderson claims plaintiff hit him when he changed lanes it appears that he would be found to be at fault since he failed to observe plaintiff's vehicle as he was changing lanes.

Plaintiff's first attorney wanted \$27,500 to settle the case. Her new attorney had demanded settlement for \$25,000. The plaintiff has now agreed to settle this matter for \$8,000.00. Settlement in this amount was approved by the City Attorney's office litigation committee.