



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

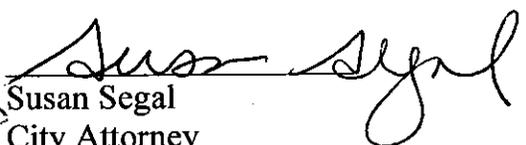
Date: May 7, 2009  
To: Ways & Means/Budget Committee

Subject: Blia Xiong, Johnny Her and David Her v. City of Minneapolis

**Recommendation:** That the City Council approve the settlement of three claims by payment of \$7,500.00 payable to Blia Xiong and her attorney, Mark Sarenpa; \$2,500.00 payable to Blia Xiong, mother and natural guardian of Johnny Her, and their attorney Mark Sarenpa; and \$2,500.00 payable to Blia Xiong, mother and natural guardian of David Her and their attorney Mark Sarenpa, from Fund/Org. 06900-1500100-145890 and authorize the City Attorney's Office to execute any documents necessary to effectuate settlement.

**Previous Directives:** None

Prepared by: Tracey Fussy Phone: (612) 673-2254

Approved by:   
Susan Segal  
City Attorney

Presenter in Committee: Susan Segal, City Attorney

**Financial Impact:**(Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.
- Other financial impact (Explain): \$12,500.00 from Fund/Org. 06900-1500100-145890
- Request provided to department's finance contact when provided to the Committee Coordinator.

**Community Impact:** Other

## **Background/Supporting Information:**

Ms. Xiong was traveling home from her sister's house when she was rear-ended by a City vehicle while in a left-turn lane on Olsen Memorial Highway. Liability is not at issue. Ms. Xiong's two young children, Plaintiffs Johnny and David Her, were passengers in the vehicle. An ambulance was called to the scene and took the Plaintiffs to the hospital.

As a result of the crash, Ms. Xiong had visible bruising to her hip and left leg, and sustained injuries to her hip, leg, shoulder, neck and back which cause her continuing pain. She is now unable to sit or stand for long periods of time. Bliia Xiong's medical bills total \$7,646.00.

Her children, Johnny and David Her, suffered injuries to their respective necks and backs which continue to cause symptoms. Johnny and David Her have medical bills of \$4,272.00 and \$4,658.00 respectively.

Following extensive negotiations we have reached a tentative settlement of Bliia Xiong's claim against the City in the amount of \$7,500.00, the Johnny Her claim in the amount of \$2,500.00 and the David Her claim in the amount of \$2,500.00. These proposed settlements have been discussed with CPED and they are in agreement with the terms. We believe that the settlement is in the best interests of the City and recommend approval by this Committee.

TF / PM#07-22190