



City Attorney Dennis Herrera Statement

For Immediate Release:
August 7, 2015
Contact: Matt Dorsey
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Asiana suit dismissal vindicates firefighters' 'heroic efforts' in tragic crash, Herrera says

City Attorney adds, 'Our hearts go out to the parents of Ye Ming Yuan and to all the surviving loved ones of the three who lost their lives' in 2013's Asiana tragedy

SAN FRANCISCO (Aug. 7, 2015)—Parents of the 16-year-old passenger who was ejected and killed in the crash of Asiana Flight 214 on July 6, 2013 dismissed their civil lawsuit against the City and County of San Francisco today. Neither the plaintiffs nor their attorneys appear to have issued a public statement accompanying their dismissal, which was filed in U.S. District Court this afternoon.

City Attorney Dennis Herrera issued the following statement in response:

"Our hearts go out to the parents of Ye Ming Yuan and to all the surviving loved ones of the three who lost their lives in the tragic crash of Asiana Flight 214. We're grateful for a dismissal that will spare everyone involved the added heartache and costs of litigation, which we believed from the beginning to be without legal merit.

"As we remember those who lost their lives in the Asiana crash, I hope we acknowledge, too, the heroic efforts of San Francisco's firefighters and police who saved hundreds of lives that day. With thousands of gallons of venting jet fuel threatening unimaginable calamity, our firefighters initiated a daring interior search-and-rescue that within minutes extricated trapped passengers, and moved them safely to medical triage. In the face of great danger to their own lives, our emergency responders showed heroism and selflessness that day. They deserve our honor and gratitude."

The National Transportation Safety Board determined that the crash of Asiana flight 214 was caused by the Asiana flight crew's mismanagement in approaching and inadequately monitoring the airspeed of the Boeing 777 on its approach to San Francisco International Airport, according to the NTSB's June 24, 2014 announcement. The NTSB also found that the flight crew's misunderstanding of the autothrottle and autopilot flight director systems contributed to the tragedy.

[MORE]

On July 3, 2014, NTSB Member Mark R. Rosekind issued a concurrent statement that praised San Francisco's first responders: "The critical role of the emergency response personnel at San Francisco International Airport (SFO) and the firefighters from the San Francisco Fire Department cannot be underestimated. Although certain issues regarding communications, triage, and training became evident from the investigation and must be addressed, emergency responders were faced with the extremely rare situation of having to enter a burning airplane to perform rescue operations. Their quick and professional action in concert with a diligent flight crew evacuated the remaining passengers and prevented this catastrophe from becoming much worse. In addition, the emergency response infrastructure and resources at SFO that supported firefighting and recovery after the crash are admirable, significantly exceeding minimum requirements."

Asiana Flight 214 struck the seawall short of SFO's Runway 28L shortly before 11:30 a.m. on Saturday, July 6, 2013, beginning a violent impact sequence that sheared off the tail assembly, rotated the aircraft approximately 330 degrees, and created a heavy cloud of dust and debris before the aircraft finally came to rest approximately 2300 feet from its initial site of impact. The sheared-off tail assembly and force of rotation resulted in the ejection of five people: two crewmembers still strapped into the rear jump seats, and three passengers seated in the last two passenger rows. All three ejected passengers suffered fatal injuries: two died at the scene, and one died six days later.

With nearly 3,000 gallons of jet fuel venting from fuel lines where two engines detached during the crash sequence, a fire started in one engines that was wedged against the fuselage. A fire also began in the insulation lining the fuselage interior, beginning near the front of the aircraft. The interior fire produced heavy smoke inside the aircraft and posed extremely dangerous conditions given the volatility of leaking jet fuel and its proximity to potentially explosive oxygen tanks. In the face of imminent explosion, the rescue effort safely evacuated and triaged of some 300 people. Asiana flight 214 carried 307 individuals: 4 flight crew, 12 cabin crewmembers and 291 passengers. Three of the 291 passengers were fatally injured.

The case is: *Gan Ye and Xiao Yun Zheng, et al v. City and County of San Francisco, et al.*, U.S. District Court for the Northern District of California, case no. C14-04941, filed Aug. 13, 2014. Learn more about the San Francisco City Attorney's Office at <http://www.sfcityattorney.org/>.

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 18 CITY AND COUNTY OF SAN FRANCISCO, JOANNE HAYES-WHITE,
 ANTENOR MOLLOY, ANTHONY ROBINSON, TOM SIRAGUSA,
 19 MARK GONZALES, JEFF LITTLEFIELD, erroneously sued herein as
 JOHN LITTLEFIELD, TRYG MCCOY, JOHN L. MARTIN, DENISE
 20 SCHMITT, CHRISTINE EMMONS, ROGER PHILLIPS, MICHELLE
 GRINDSTAFF, MICHAEL KIRK, HENRY CHOY, DERRICK LEE, and
 21 JIMMY YEE

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 GAN YE and XIAO YUN ZHENG,
 25 Individually, as Heirs and Successors in
 Interest of, YE MENG YUAN,
 26 Deceased,

27 Plaintiffs,

28 v.

} Case No.: 4:14-cv-04941-YGR
 } STIPULATION RE: DISMISSAL OF
 } COMPLAINT WITH PREJUDICE
 } [Fed. Rule Civ. Proc. 41(a)(1)]
 } Trial Date: None
 } Complaint Filed: August 13, 2014

1 CITY AND COUNTY OF SAN FRANCISCO, JOANNE HAYES-
 2 WHITE (SFFD), an individual, ANTENOR MOLLOY (SFFD), an
 3 individual, ANTHONY ROBINSON (SFFD), an individual, TOM
 4 SIRAGUSA (SFFD), an individual, MARK GONZALES (SFFD), an
 5 individual, JOHN LITTLEFIELD (SFO), an individual, TRYG MCCOY (SFO), an
 6 individual, JOHN L. MARTIN (SFO), an individual, DENISE SCHMITT (SFPD),
 7 an individual, CHRISTINE EMMONS (SFFD), an individual, ROGER
 8 PHILLIPS (SFFD), an individual, MICHELLE GRINDSTAFF (SFFD), an
 9 individual, MICHAEL KIRK (SFFD), an individual, HENRY CHOY (SFO), an
 10 individual, DERRICK LEE (SFPD), an individual, JIMMY YEE (SFFD), an
 11 individual, and DOES 1 through 100,

12 Defendants.

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 San Francisco, California 94105
 Telephone: (415) 365-9800

14 IT IS HEREBY STIPULATED AND AGREED by and between plaintiffs
 15 GAN YE and XIAO YUN ZHENG (hereinafter "plaintiffs") and defendants THE
 16 CITY AND COUNTY OF SAN FRANCISCO, JOANNE HAYES-WHITE,
 17 ANTENOR MOLLOY, ANTHONY ROBINSON, TOM SIRAGUSA, MARK
 18 GONZALES, JEFF LITTLEFIELD, erroneously sued herein as JOHN
 19 LITTLEFIELD, TRYG MCCOY, JOHN L. MARTIN, DENISE SCHMITT,
 20 CHRISTINE EMMONS, ROGER PHILLIPS, MICHELLE GRINDSTAFF,
 21 MICHAEL KIRK, HENRY CHOY, DERRICK LEE, and JIMMY YEE
 22 (hereinafter "defendants"), by their undersigned attorneys of record, that plaintiffs'
 23 complaint against defendants is hereby dismissed, in its entirety, with prejudice,
 24 pursuant to Federal Rule of Civil Procedure 41(a)(1).

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 26 //
 27 //
 28 //

1 IT IS FURTHER STIPULATED that each party shall bear their own fees
2 and costs of suit.

3 IT IS SO STIPULATED.
4

5 Dated: August 7, 2015

KREINDLER & KREINDLER LLP

7 By: /s/Brian J. Alexander¹

8 GRETCHEN M. NELSON
9 GABRIEL S. BARENFELD
10 JUSTIN T. GREEN
11 BRIAN J. ALEXANDER
12 Attorneys for Plaintiffs
13 GAN YE and XIAO YUN ZHENG

14 Dated: August 7, 2015

CLYDE & CO US LLP

15 By: /s/Kevin R. Sutherland

16 KEVIN R. SUTHERLAND
17 KEVIN O. MOON

18 -and-

19 OFFICE OF THE CITY ATTORNEY
20 CITY AND COUNTY OF SAN
21 FRANCISCO

22 DENNIS J. HERRERA
23 KAREN E. KIRBY

24 Attorneys for Defendants
25 CITY AND COUNTY OF SAN
26 FRANCISCO, JOANNE HAYES-WHITE,
27 ANTENOR MOLLOY, ANTHONY
28 ROBINSON, TOM SIRAGUSA, MARK
GONZALES, JEFF LITTLEFIELD,
erroneously sued herein as JOHN
LITTLEFIELD, TRYG MCCOY, JOHN
L. MARTIN, DENISE SCHMITT,
CHRISTINE EMMONS, ROGER
PHILLIPS, MICHELLE GRINDSTAFF,
MICHAEL KIRK, HENRY CHOY,
DERRICK LEE. and JIMMY YEE

¹ Pursuant to Civil Local Rule 5-1(i)(3), the Filer of this Stipulation attests that concurrence in the filing of the document has been obtained from each of the other Signatories hereto, which concurrence shall serve in lieu of their signatures on the document.

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