



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-1126, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Rana V. Smalling against the Metropolitan Government of Nashville and Davidson County in the amount of \$22,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on August 12, 2020, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT), while operating a vehicle owned by the Metropolitan Government, was stopped at the intersection of Edgehill Avenue and Eighth Avenue South at a red light. The NDOT employee began backing up the truck and struck the front of the vehicle behind him driven by Rana V. Smalling, causing injury to Ms. Smalling; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the settlement listed in Section 1 is fair and reasonable and in the best interest of the Metropolitan Government and recommends that the personal injury claim be compromised and settled for \$22,500.00, and that this amount be paid from the Self-Insured Liability Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1: The Metropolitan Department of Law is authorized to compromise and settle the personal injury claim of Rana V. Smalling for the sum of \$22,500.00 with said amount to be paid from the Self-Insured Liability Fund.

Section 2: This resolution shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

### Analysis

On August 12, 2020, an employee of the Nashville Department of Transportation and Multimodal Infrastructure (NDOT) was stopped at the intersection of Edgehill Avenue and Eighth Avenue South at a red light. The NDOT driver backed up in their truck to reposition it and struck Rana Smalling's vehicle. Ms. Smalling's vehicle was declared a total loss and a replacement value of \$4,225 has previously been paid.

Ms. Smalling reported pain in her upper and lower back and left leg. She was diagnosed with a strain of muscle fascia and tendon of the lower back. She received physical therapy to relieve and decrease pain, muscle spasms, and tenderness in her lower back.

Her medical bills totaled \$13,808.22. The Department of Law recommends settlement of this personal injury claim for \$22,500.

*Fiscal Note: This \$22,500 settlement, along with the settlements per Resolution No. RS2021-1127, RS2021-1128, and RS2021-1137 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$439,172. The fund balance would be \$443,942 after these payments.*