



Section 1: The Metropolitan Department of Law is authorized to compromise and settle the personal injury claim of John Foy for the sum of \$23,016.50, 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 5, 2020, a Nashville Fire Department (“NFD”) firefighter was driving Engine 17 to the station at 3911 West End Avenue after responding to an emergency call. Construction on Harding Pike closed two lanes and shifted eastbound traffic into the center turn lane near the intersection of Harding Pike and Ridgefield Way. John Foy was in a parked dump truck near the edge of the work zone adjacent to the center turn lane. As the firefighter attempted to maneuver Engine 17 through the narrow lane of travel, the mirrors of Engine 17 collided with the dump truck. Because of this, Engine 17’s right blind spot mirror and the left side view mirror of the dump truck cracked. Mr. Foy’s employer declined to file a claim for property damage related to the mirror of the dump truck.

Mr. Foy sought treatment at the emergency room on the day of the accident complaining of muffled hearing and ringing in his ears. He underwent examination and a CT of his head. He was ultimately diagnosed with hearing loss due to head trauma. He was later diagnosed with tinnitus, dizziness, headaches, and unspecified sensorineural hearing loss in his left hear. Mr. Foy’s medical expenses totaled \$10,828.67.

The Department of Law recommends settlement of Mr. Foy’s personal injury claim for \$23,016.50.

*Fiscal Note: This \$20,016.50 settlement would be the 31<sup>st</sup> payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,125,471. The fund balance would be \$18,819,747 after these payments.*