



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-1969

**Type:** Resolution      **Status:** Passed

**File created:** 1/5/2023      **In control:** Budget and Finance Committee

**On agenda:** 1/17/2023      **Final action:** 1/17/2023

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Ralph Ward against the Metropolitan Government and its employees in the amount of \$236,000.00, with said amount to be paid from the Judgments and Losses Fund.

**Sponsors:** Kevin Rhoten

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
1/23/2023	1	Mayor	approved	
1/17/2023	1	Metropolitan Council	adopted	
1/17/2023	1	Budget and Finance Committee	approved	
1/10/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claims of Ralph Ward against the Metropolitan Government and its employees in the amount of \$236,000.00, with said amount to be paid from the Judgments and Losses Fund.

WHEREAS, Ralph Ward filed a lawsuit against the Metropolitan Government and its employees alleging Fourth Amendment false arrest, malicious prosecution, and excessive force claims arising out of his arrest for felony evading arrest on November 14, 2019; 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 any and all claims or causes of action brought or that could have been brought by Ralph Ward related to the events detailed above be compromised and settled for \$236,000.00, and that this amount be paid from the Judgments and Losses 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 claim of Ralph Ward for the sum of \$236,000.00, with said amount to be paid from the Judgments and Losses 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 November 14, 2019, Metropolitan Nashville Police Department (“MNPDP”) officers had been conducting surveillance on a wanted murder suspect at a hotel. MNPDP officers observed a suspicious vehicle at the hotel

and decided to follow the vehicle. The vehicle was exceeding the speed limit and the officers initiated a traffic stop. However, the vehicle sped away. The MNPD officers believed they located the vehicle, which eventually stopped at R&B Liquors in Nolensville.

Mr. Ralph Ward exited the vehicle and entered R&B Liquors. The officers followed Mr. Ward into the store and arrested him, believing that the vehicle Mr. Ward exited was the same vehicle that had fled from a lawful traffic stop and that a wanted murder suspect could have been in the vehicle. Mr. Ward complied with the arrest and denied that he had fled from the traffic stop, offering to show officers the GPS on his phone or his GPS device. Mr. Ward was charged with felony evading arrest. The charge was ultimately dismissed and his arrest was expunged.

Mr. Ward filed a lawsuit alleging a 14 U.S.C. § 1983 claim against the arresting MNPD officers for false arrest, excessive force, and malicious prosecution under the Fourth Amendment. He also included a malicious prosecution claim against the Metropolitan Government.

Mr. Ward claims \$4,338.85 in pecuniary damages, including bond, attorneys fees, missed work days, and travel to court, along with an undisclosed amount of damages for emotional distress. He also has a claim for punitive damages. If Mr. Ward were to prevail at trial on the Section 1983 claim, he would also be entitled to attorney's fees.

The Council approved Resolution No. RS2022-1794 on October 4, 2022, which authorized the Department of Law to make an offer of judgment for \$50,000 plus fees and costs. As of October 4, 2022, the fees and costs were \$107,000. After the offer of judgment was made, Mr. Ward drastically reduced his demand and Metro and Mr. Ward participated in a mediation.

To eliminate the risk of continued litigation and the associated rising expenses, the Department of Law recommends settlement of Mr. Ward's claim for \$236,000.

*Fiscal Note: This settlement would be paid from the Judgment and Losses Fund in the amount of \$236,000. This settlement would be the 3<sup>rd</sup> payment from the Judgment and Losses Fund in FY23 for a cumulative total of \$665,339. The fund balance would be \$16,750,985 after this payment.*