



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2023-2272 **Name:**

Type: Resolution **Status:** Passed

File created: 6/8/2023 **In control:** Metropolitan Council

On agenda: 6/20/2023 **Final action:** 6/20/2023

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Bernie Cox against the Metropolitan Government of Nashville and Davidson County in the amount of \$80,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Sponsors: Kevin Rhoten

Indexes:

Code sections:

Attachments: 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
6/23/2023	1	Mayor	approved	
6/20/2023	1	Metropolitan Council	adopted	
6/20/2023	1	Budget and Finance Committee	approved	
6/13/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Bernie Cox against the Metropolitan Government of Nashville and Davidson County in the amount of \$80,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on July 11, 2022, Bernie Cox was riding his electric skateboard in the bike lane of Commerce Street and Rep. John Lewis Way when he hit a large, metal plate that had formerly been the base of a yellow bike lane pole, causing him to fall off the skateboard and hit his head and left arm; and,

WHEREAS, after investigation, the Department of Law believes 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 of Bernie Cox be compromised and settled for a total of \$80,000.00, 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 Bernie Cox for the sum of \$80,000.00, 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 July 11, 2022, Bernie Cox was riding his electric skateboard in the bike lane of Commerce Street and Rep. John Lewis Way when he hit a large metal plate in the street. The metal plate originally held a yellow pole to

prevent motorists from entering the bike lane. The pole was removed, but the plate was left in the street. No cones or other warnings were placed around the obstruction.

Mr. Cox injured his head and left arm. He sought treatment at the hospital that same day and was advised he needed surgery to repair his broken arm. Following the surgery, he received physical therapy. Mr. Cox's medical costs totaled \$38,582.98.

The Department of Law recommends settlement of Mr. Cox's personal injury claim for \$80,000.

Fiscal Note: This \$80,000 settlement, along with the settlement per Resolution No. RS2023-2269 would be the 37th and 38th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,636,499. The fund balance would be \$18,030,576 after these payments.