



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2023-118 **Name:**

Type: Resolution **Status:** Passed

File created: 11/9/2023 **In control:** Metropolitan Council

On agenda: 11/21/2023 **Final action:** 11/21/2023

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Yessica Garcia-Pavon against the Metropolitan Government of Nashville and Davidson County in the amount of \$62,669.02, and that said amount be paid out of the Self-Insured Liability Fund.

Sponsors: Delishia Porterfield

Indexes:

Code sections:

Attachments: 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
11/22/2023	1	Mayor	approved	
11/21/2023	1	Metropolitan Council	adopted	
11/20/2023	1	Budget and Finance Committee	approved	
11/14/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Yessica Garcia-Pavon against the Metropolitan Government of Nashville and Davidson County in the amount of \$62,669.02, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, Yessica Garcia-Pavon claims personal injuries and damages resulting from a Metropolitan Nashville Police Department vehicle striking Garcia-Pavon’s vehicle at the intersection of Nolensville Pike and I-440 on October 11, 2017; 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 Yessica Garcia-Pavon related to the events detailed above be compromised and settled for \$62,669.02, 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 Yessica Garcia-Pavon for the sum of \$62,669.02, 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 October 11, 2017, a Metropolitan Nashville Police Department officer completed a traffic stop on the right shoulder of Nolensville Pike. Yessica Garcia-Pavon was driving along the left lane of Nolensville Pike. The officer pulled into the right lane from the shoulder with his emergency lights on and attempted to complete a u-turn from the right lane. The officer did not see Ms. Garcia-Pavon and struck the passenger side of her vehicle. During the claims process, the Metropolitan Government paid \$3,378 for the damage to Ms. Garcia-Pavon's vehicle.

Ms. Garcia-Pavon was transported to the emergency room after the accident. She was diagnosed with a closed, non-displaced fracture of the second cervical vertebra, and was placed in a cervical collar. Ms. Garcia-Pavon had additional appointments and x-rays at the hospital. She experienced shoulder pain and numbness down her right arm and remained in her cervical collar for six weeks. Her medical bills totaled \$31,334.51.

The Department of Law recommends settling Ms. Garcia-Pavon's personal injury claim for \$62,669.02.

Disciplinary action taken against the MNPD officer involved consisted of a suspension for one day of vacation.

Fiscal note: This \$62,669.02 settlement would be the 16th payment from the Self-Insured Liability Fund in FY24 for a cumulative total of \$787,469. The fund balance would be \$15,836,631 after this payment.