



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2024-496

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

**File created:** 5/23/2024 **In control:** Metropolitan Council

**On agenda:** 6/4/2024 **Final action:** 6/4/2024

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Stephen Pimentel against the Metropolitan Government of Nashville and Davidson County in the amount of \$38,000.00, 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
6/7/2024	1	Mayor	approved	
6/4/2024	1	Metropolitan Council	adopted	
6/3/2024	1	Budget and Finance Committee	approved	
5/28/2024	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Stephen Pimentel against the Metropolitan Government of Nashville and Davidson County in the amount of \$38,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on November 14, 2017, the Plaintiff, Stephen Pimentel, was involved in a motor vehicle accident involving a Nashville Fire Department ambulance near the intersection of Highland View Road and Asbury Lane. Pimentel alleges that he sustained injuries in the accident, generating expenses and damages proximately caused by the Metropolitan Government's negligence; 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 interests of the Metropolitan Government, and recommends that any and all claims or causes of action that Stephen Pimentel brought or could have brought related to the events detailed above be compromised and settled for \$38,000.00, 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 Stephen Pimentel for the sum of \$38,000.00, 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 November 14, 2017, Stephen Pimentel was eastbound driving on Highland View Drive. A Nashville Fire Department (“NFD”) ambulance was also driving eastbound on Highland View Drive ahead of Mr. Pimentel’s vehicle. The ambulance driver missed his intended turn onto Asbury Lane and stopped the ambulance in the lane of traffic. The ambulance driver then shifted into reverse and proceeded back to the intersection. While reversing, the ambulance collided with Mr. Pimentel’s vehicle.

Mr. Pimentel was taken to the emergency room following the accident. He complained of an abrasion to his head after striking it in the accident. Three days later, he returned for follow-up treatment with complaints of neck and back pain radiating into this left leg. After imagining, he was found to have a lumbar disc bulge with nerve root involvement. Mr. Pimentel underwent extensive physical therapy and orthopedic care. He continues to experience some pain in his lower back. Mr. Pimentel has incurred \$30,573.35 in medical expenses to date.

The Department of Law recommends settlement of Mr. Pimentel’s negligence claim for \$38,000.

Disciplinary action taken against the ambulance driver consisted of a one day suspension.

*Fiscal Note: The total settlement amount is \$38,000. This settlement along with Resolution Nos. RS2024-514 and RS2024-518 would be the 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,592,317. The fund balance would be \$13,763,978 after these payments.*