



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2023-2104 **Name:**

Type: Resolution **Status:** Passed

File created: 4/4/2023 **In control:** Metropolitan Council

On agenda: 4/18/2023 **Final action:** 4/18/2023

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Arnold Marks against the Metropolitan Government for \$25,000.00, 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
4/26/2023	1	Mayor	approved	
4/18/2023	1	Metropolitan Council	adopted	
4/17/2023	1	Budget and Finance Committee	approved	
4/11/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Arnold Marks against the Metropolitan Government for \$25,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on July 8, 2022, an employee of the Nashville Fire Department, while operating a vehicle owned by the Metropolitan Government, was driving on South Graycroft Avenue when he became distracted and failed to notice that traffic had come to a stop in front of him. The Metro vehicle rear-ended the vehicle in front of him driven by Arnold Marks, causing injury to Mr. Marks; 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 the personal injury claim of Arnold Marks be compromised and settled for \$25,000.00, 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 Arnold Marks for the sum of \$25,000.00 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 8, 2022, a Nashville Fire Department (“NFD”) employee was driving an NFD vehicle southbound on

Graycroft Avenue. The NFD employee was behind Arnold Marks. Mr. Marks came to a full stop behind the vehicle in front of him at a red traffic signal. The NFD employee did not notice that traffic had stopped and struck the rear of Mr. Marks's vehicle.

Mr. Marks complained of pain in his neck, lower back, right arm, and leg and sought treatment at the emergency room. X-rays and CT scans were performed. He was diagnosed with muscle and tendon strains of the neck and lower back and a contusion of the left foot. He sought physical therapy for two months. Mr. Marks's medical bills totaled \$17,719.73.

The Metropolitan Department of Law recommends settlement of Mr. Marks's personal injury claim for \$25,000.

Fiscal Note: This \$25,000 settlement, along with the settlements per Resolution Nos. RS2023-2114, RS2023-2119 and RS2023-2120 would be the 26th, 27th, 28th and 29th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,010,921. The fund balance would be \$18,891,688 after these payments.