



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2020-560

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

**File created:** 9/28/2020      **In control:** Metropolitan Council

**On agenda:** 10/6/2020      **Final action:** 10/6/2020

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Ivan Ewing, a minor, against the Metropolitan Government of Nashville and Davidson County in the amount of \$5,800.00, with said amount to be paid out of the Self-Insured Liability Fund.

**Sponsors:** Kyonzte Toombs

**Indexes:**

**Code sections:**

**Attachments:** 1. RS2020-560\_D-20-09574\_Ewing, 2. 09574-Resolution text, 3. 09574-Resolution-settlement-Ivan Ewing

Date	Ver.	Action By	Action	Result
10/7/2020	1	Mayor	approved	
10/6/2020	1	Budget and Finance Committee	approved	
10/6/2020	1	Metropolitan Council	adopted	Pass

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Ivan Ewing, a minor, against the Metropolitan Government of Nashville and Davidson County in the amount of \$5,800.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on May 10, 2019, Metropolitan Nashville Police Officer Jonathan Seidl, while operating a Metropolitan Nashville Police Department vehicle in the course and scope of his employment, was driving westbound on Ash Street when he struck the rear of a vehicle which had stopped in traffic, causing personal injury to Ivan Ewing; 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 Ivan Ewing related to the events detailed above, be compromised and settled for \$5,800.00, 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 Ivan Ewing for the sum of \$5,800.00 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.

This resolution authorizes the Metropolitan Department of Law to compromise and settle the personal injury claim of Ivan Ewing against Metro for the amount of \$5,800 to be paid out of the self-insured liability fund. On May 10, 2019, 16 month-old Ivan was a passenger in a vehicle driven by his mother, Heather Sherer. Ms. Sherer had stopped at a stop sign at the intersection of 3<sup>rd</sup> Avenue South and Ash Street. Ms. Sherer started forward then stopped again to ask directions from a construction worker. A MNPD patrol car was behind Ms. Sherer. The officer did not realize Ms. Sherer had stopped again and struck the rear of her vehicle. Ivan was transported to Vanderbilt for diagnostic testing, which did not show any injuries. The medical bills total \$5,537.

The Department of Law recommends settling this claim for \$5,800 since the officer was clearly at fault. The officer received disciplinary action consisting of a written reprimand.

*Fiscal Note: This \$5,800 settlement, along with the settlement per Resolution No. RS2020-550, would be the 13<sup>th</sup> and 14<sup>th</sup> payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,005,585. The fund balance would be \$2,532,065 after these payments.*