



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-85, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Troy L. McClain against the Metropolitan Government for \$17,500, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on November 2, 2022, Troy L. McClain was traveling southbound on 17th Avenue North and had slowed his vehicle to make a left turn into a private parking lot at 1634 Church Street. The MNPD officer, in the course and scope of his employment, was attempting to exit a Church Street alley onto 17th Avenue North and failed to notice Mr. McClain's vehicle, striking it in the rear causing injury to Mr. McClain; 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 Troy L. McClain be compromised and settled for \$17,500.00, 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 Troy L. McClain for the sum of \$17,500.00 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 2, 2022, a Metropolitan Nashville Police Department officer was exiting from an alley on Church Street onto 17th Avenue North. A vehicle driven by Troy McClain had slowed and was attempting to turn left from 17th Avenue North into a private parking lot. The officer turned left and rear-ended Mr. McClain's vehicle.

Mr. McClain reported shoulder and lower back pain and was taken to the emergency room on November 4, 2022. He received further treatment at two orthopedic centers through July 2023 before being released from care. A property damage claim for Mr. McClain's vehicle, which included a deductible and rental vehicle costs, was previously paid to his insurance carrier.

The Department of Law recommends settlement of Mr. McClain's personal injury claim in the amount of \$17,500.

The disciplinary action taken against the MNPD officer involved consisted of a written reprimand.

Fiscal note: This \$17,500 settlement, along with the settlements per Resolution Nos. RS2023-73, RS2023-81, RS2023-86, RS2023-87 and RS2023-91 would be the 10th, 11th, 12th, 13th, 14th, and 15th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$724,800. The fund balance would be \$15,906,418

after these payments.