



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-1095, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Jennifer Lockhart and David Christian against the Metropolitan Government of Nashville and Davidson County in the amount of \$250,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, the Plaintiff, Jennifer Lockhart, and her husband, David Christian, have filed a lawsuit alleging negligence arising out of injuries she suffered as a recruit with the Nashville Fire Department, when she fell 6 feet to the ground during a training segment at the Nashville Fire Academy; 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 brought or that could have been brought by Jennifer Lockhart and David Christian related to the events detailed above be compromised and settled for \$250,000.00, 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 Jennifer Lockhart and David Christian for the sum of \$250,000.00, 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 21, 2017, a class of recruits at the Nashville Fire Academy completed a segment of training known as "survival week". The trainings, instruction, and drills during survival week are developed in response to actual events that have claimed the lives of firefighters around the country. The trainings are designed to equip firefighters with necessary skills to survive such emergency scenarios by using materials and equipment that are usually readily available during such instances. Jennifer Lockhart, a fire recruit, was participating in the Nance drill, which involves a team of firefighters using a length of fire hose or ropes to lower another firefighter down one floor and then using the fire hose or rope to secure a downed firefighter on the floor below for rescue. The recruits were in full PPE, including an oxygen tank.

Ms. Lockhart was lowered to the floor below. While being lowered, her oxygen tank caught on the edge of the floor opening. The other recruits continued to lower the ropes and her oxygen tank restricted her full descent to the floor below. When the edge of the tank suddenly cleared the opening in the floor, Ms. Lockhart's center of gravity shifted, and she was unable to maintain a grip on the ropes. She fell approximately six feet to the concrete floor below, landing on her back with her oxygen tank underneath her on the concrete floor.

Ms. Lockhart required immediate medical attention. She was in pain, had a headache, and was unable to

move portion of her body. She was transported to Vanderbilt University Medical Center for emergent treatment. Ms. Lockhart did regain functionality of her limbs and made some medical improvement but continues to suffer from her injuries. She has been found to be permanently disabled as a result of this event by the Metropolitan Employee Benefit Board. This event ended Ms. Lockhart's career with the Nashville Fire Department and has resulted in a back injury for which she continues to receive treatment.

At the time, this drill had been performed many times without the use of a safety line without incident, until this event occurred. This event, coupled with a desire to safeguard recruit and employee safety, triggered the Nashville Fire Department to reassess its training facility and training drills to improve safety and eliminate training injuries.

The Department of Law recommends settlement of this case for \$250,000.

*Fiscal Note: This \$250,000 settlement, along with the settlement per Resolution Nos. RS2021-1105, RS2021-1106, RS2021-1107 and RS2021-1108 would be the 3rd, 4th, 5th, 6th and 7th payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.*