



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2022-1672, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Clarence Davis against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,286.00 with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on September 28, 2021, an employee of the Metropolitan Nashville Health Department, while operating a vehicle owned by the Metropolitan Government, struck the rear of a vehicle Clarence Davis was driving as it slowed to a stop to yield to a Metro fire truck, with emergency equipment activated, causing injury to Mr. Davis; 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 Clarence Davis be compromised and settled for \$25,286.00, 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 Clarence Davis for the sum of \$25,286.00 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

This settlement arises out of the same incident as Resolution No. RS2022-1671. On September 28, 2021, Mr. Clarence Davis was driving Ms. Shanice Brown's vehicle southbound on Gallatin Pike near the intersection of Gallatin Pike and Broadmoor Drive. A Metropolitan Nashville fire truck with emergency equipment activated approached Mr. Davis, who slowed to allow the fire truck to pass. A Metropolitan Health Department van driven by a Metro employee collided with the rear of Ms. Brown's vehicle. Ms. Brown's vehicle was damaged and \$3,758.72 was previously paid for repairs to the vehicle.

Mr. Davis sought treatment for back, neck, and right knee pain. He was diagnosed with an acute thoracic myofascial strain, a cervical strain, and right knee contusion. He was later diagnosed with cervical, lumbar, and thoracic strains and acute muscle spasms. He was referred for chiropractic care.

The Department of Law recommends settlement of this claim for \$25,286, which includes \$15,286.89 in medical costs and \$9,999.11 in pain and suffering.

The disciplinary action taken against the Metro employee involved consisted of a driving course and recertification.

*Fiscal Note: This \$25,286 settlement, along with the settlement per Resolution Nos. RS2022-1669, RS2022-1671 and RS2022-1681 would be the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$102,859. The fund balance would be \$11,297,794 after these payments.*