



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2024-428, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Eric Stout against the Metropolitan Government of Nashville and Davidson County in the amount of \$183,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on April 18, 2021, the Plaintiff, Eric Stout, fell due to missing bricks in the sidewalk at or near 429 Broadway in Nashville, Tennessee. Stout alleges that he sustained injuries in the fall, generating expenses and damages proximately caused by the Metropolitan Government's negligence; 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 that Eric Stout brought or could have brought related to the events detailed above be compromised and settled for \$183,000.00, 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 Eric Stout for the sum of \$183,000.00, 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 April 18, 2021, Eric Stout was visiting Lower Broadway in Downtown Nashville. After leaving an establishment on Broadway, Mr. Stout began walking towards his hotel. Mr. Stout walked in front of Rippy's near Broadway and where several blocks were missing in the sidewalk. Mr. Stout's foot caught in the hole formed by these bricks, and he fell. He was taken to the emergency room, where he was diagnosed with a fractured patella in his left knee.

The hole at issue in this case was caused by approximately five missing bricks in the sidewalks at 429 Broadway. NDOT was notified of "missing bricks in front of Rippy's" by the Nashville Downtown Partnership. The "problem address" listed was 416A Broadway, which was not the correct address. NDOT personnel went to the address listed and did not find missing bricks at that location. NDOT personnel did not inspect the area in front of Rippy's. After Mr. Stout's fall, NDOT was again notified of the hole and repaired the area to prevent further injury.

Mr. Stout returned to his home in California to have surgery to repair the fracture which included permanent surgical hardware installed in his knee. He also required physical therapy and continues to have pain in his left knee. Additional surgery may also be needed to remove the hardware in Mr. Stout's knee. Mr. Stout has incurred \$57,024.16 in medical expenses to date and estimates another \$40,398 for medical expenses for the

rest of his life.

Mr. Stout sued the Metropolitan Government alleging negligence. If the case were to go to trial, the Metropolitan Government would incur significant litigation expense.

The Department of Law recommends settlement of Mr. Stout's negligence claim for \$183,000.

Fiscal Note: The total settlement amount is \$183,000. This settlement along with Resolution No. RS2024-427 would be the 25th and 26th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$1,406,067. The fund balance would be \$13,910,870 after these payments.