



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-13, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Marse Hanback against the Metropolitan Government of Nashville and Davidson County in the amount of \$145,000, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on June 8, 2019, Plaintiff Marse Hanback was a passenger in a Nashville Fire Department (NFD) engine dispatched to an emergency. The engine, driven by an NFD employee, collided with a railroad overpass. Plaintiff Hanback alleges that due to the collision, he sustained injuries, expenses, and damages proximately caused by the negligence of Metro; 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 Marse Hanback related to the events detailed above, be compromised and settled for \$145,000, 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 Marse Hanback for the sum of \$145,000, 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 June 8, 2019, Nashville Fire Department (“NFD”) Captain Marse Hanback was a passenger in a fire truck driven by an NFD employee. While driving toward an emergency medical call at 2614 Eden Street, the NFD employee attempted to turn the large ladder truck onto Meharry Boulevard and did not see a sign warning of bridge with a low overpass. No occupant of the fire truck saw the sign, as they were watching for turn clearance. A second sign warning of the overpass had been previously damaged and not replaced at the time of the incident. Several collisions have previously occurred at this overpass.

The fire truck collided with the overpass and sustained significant damage. The air tank in Captain Hanback’s seat was dislodged and struck him in the upper back and shoulder. Captain Hanback received treatment and care at the hospital through Metro’s Injured-on-Duty program. Captain Hanback underwent several rounds of physical therapy and eventually received surgery on his right shoulder and collarbone. Captain Hanback treated these injuries for more than two years and received significant time off work and on restricted duty as a result of these injuries. While his shoulder has largely healed, Captain Hanback continues to have neck pain and some pain and tingling in his arms.

Captain Hanback asserted negligence claims against and further alleged that Metro negligently failed to repair

or replace the second height restriction sign on the overpass. Captain Hanback claimed to lose wages at his secondary employment because of his inability to work, lose overtime opportunities at NFD, retire three years earlier than planned, and pay for additional out-of-pocket costs as a result of his injuries.

The Department of Law recommends settlement of Captain Hanback's claims for \$145,000. Metro cannot recoup any funds spent on Captain Hanback's medical treatment or salary payment under Metro's Injured-on-Duty program.

The NFD employee involved received a fifteen-day suspension as a result of his conduct. Captain Hanback also received a five-day suspension, as he was ultimately responsible for the operation of the ladder truck.

*Fiscal note: This \$145,000 settlement, along with the settlements per Resolution Nos. RS2023-14, RS2023-39 and RS2023-40 would be the 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup> and 9<sup>th</sup> payments from the Self-Insured Liability Fund in FY24 for a cumulative total of \$417,307.*