



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2020-550, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Dianne Hunter against the Metropolitan Government of Nashville and Davidson County in the amount of \$60,000.00, and that said amount be paid out of the Self-Insured Liability Fund
WHEREAS, on September 24, 2017, Dianne Hunter fell while walking up a damaged concrete step to access the Creative Arts building at the Fairgrounds, resulting in a fall forward causing multiple abrasions, stitches, loss of consciousness, significant infection; 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 Dianne Hunter related to the events detailed above, be compromised and settled for \$60,000.00, 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 Dianne Hunter for the sum of \$60,000.00 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.

This resolution authorizes the Metropolitan Department of Law to compromise and settle the personal injury claim of Dianne Hunter against the Metropolitan Government of Nashville and Davidson County in the amount of \$60,000 to be paid out of the self-insured liability fund. On September 24, 2017, Ms. Hunter, who was 78 years old at the time, tripped on some concrete steps at the Fairgrounds while attending a flea market. Although the steps have now been demolished as a result of the construction of the new expo center, photographs taken at the time show an approximate one-inch difference between the top of the step and the landing area. Ms. Hunter hit her head, lost consciousness, and lost a significant amount of blood due to the blood thinners she was taking. She required stitches to her head and arm, and had multiple abrasions that led to an infection. Her medical bills total approximately \$36,600.

In order for Metro to be liable under Tennessee law, the plaintiff would have to show Metro had either actual or constructive notice of the dangerous condition. There had been no prior falls or reports of the steps being defective. However, the photographs show that the concrete was cracked and crumbling, which would have developed over a long period of time. Thus, a court would likely find Metro had constructive notice of the defective or dangerous condition.

A portion of fault would be assigned to Ms. Hunter, but it most likely would not be high enough to bar recovery. The parties engaged in a mediation on September 9, 2020, which resulted in the agreed upon settlement of \$60,000, pending Council approval. The Department of Law recommends settling the case for \$60,000.

Fiscal Note: This \$60,000 settlement, along with the settlement per Resolution No. RS2020-560, would be the 13th and 14th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,005,585. The fund balance would be \$2,532,065 after these payments.