



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2023-2030, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Jenny Men against the Metropolitan Government of Nashville and Davidson County in the amount of \$85,000.00, and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on April 15, 2021, the Plaintiff, Jenny Men, sustained injuries, expenses, and damages that she alleges were caused by the negligence of Nashville Department of Transportation employee Frank Offutt who struck the vehicle in which Men was a passenger while driving a Ford F350 and traveling outside the designated lane of travel in a Kroger parking lot, 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 Jenny Men related to the events detailed above be compromised and settled for \$85,000.00, 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 Jenny Men for the sum of \$85,000.00, 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 15, 2021, an employee of the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") was in a parking lot at 3930 Clarksville Highway. As the employee left the parking space, he drove across the parking lot, through other parking spaces and struck the side of a vehicle in which Jenny Men was a passenger. There was significant damage to the vehicle on the passenger side. A claim related to the vehicle was previously settled for \$5,554.53.

Ms. Men was transported to the hospital with a headache, pain in her neck and lower back, inability to bend over, and difficulty walking. She was diagnosed with neck and back sprains and a potential concussion. She was later referred to physical therapy, which required 12 visits and was completed in September 2021. Ms. Men's out of pocket expenses for medical treatment totaled \$47,651.02.

The Metropolitan Department of Law recommends settlement of this personal injury claim for \$85,000.

Disciplinary action taken against the NDOT employee consisted of a written reprimand and a mandatory defensive driving course.

Fiscal Note: This \$85,000 settlement, along with the settlement per Resolution Nos. RS2023-2024, and RS2023-2031 would be the 20th, 21st and 22nd payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$732,640. The fund balance would be \$17,298,619 after these payments.