



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2023-81, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Caleb Smith against the Metropolitan Government of Nashville and Davidson County in the amount of \$150,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on September 19, 2020, the Plaintiff, Caleb Smith, fell into an unlit, abandoned stairwell behind the Centennial Arts Center courtyard at Centennial Park. Smith 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 Caleb Smith brought or could have brought related to the events detailed above be compromised and settled for \$150,000.00, 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 Caleb Smith for the sum of \$150,000.00, 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 September 19, 2020, Caleb Smith visited Centennial Park with a friend. He went in search of a restroom in the park. He walked down a path near the Centennials Arts Center but soon realized the path led away from the building. It was dark outside and Mr. Smith turned around to walk toward the Centennial Arts Center courtyard. He stepped on a low brink wall approximately 18 to 20 inches high, believing this was part of a flower bed. The brick wall, however, surrounded an open stairwell that was ten feet deep. Mr. Smith fell into the open stairwell and was seriously injured.

Mr. Smith was treated at the emergency room. He underwent emergency surgery to repair multiple fractures and tendon and ligament damage in his left ankle. Mr. Smith required permanent surgical hardware to be installed in his ankle. Following the surgery, Mr. Smith was prescribed a knee scooter for ambulation for one month and was then transitioned to a walking boot, which he used for several months. He also required physical therapy for ten months.

The Department of Law recommends settlement of Mr. Smith's personal injury claim for \$150,000.

*Fiscal note: This \$150,000 settlement, along with the settlements per Resolution Nos. RS2023-73, RS2023-85, RS2023-86, RS2023-87 and RS2023-91 would be the 10<sup>th</sup>, 11<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> payments from*

*the Self-Insured Liability Fund in FY24 for a cumulative total of \$724,800. The fund balance would be \$15,906,418 after these payments.*