



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2022-1671, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Shanice Brown against the Metropolitan Government of Nashville and Davidson County in the amount of \$11,573.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on September 28, 2021, an employee of the Metropolitan Nashville Health Department, while operating a vehicle owned by the Metropolitan Government, struck the rear of a vehicle in which Shanice Brown was a passenger as it slowed to a stop to allow a Metro fire truck, with emergency equipment activated, to pass, causing her personal injury; 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 the personal injury claim of Shanice Brown be compromised and settled for \$11,573.00, 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 Shanice Brown for the sum of \$11,573.00 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

This settlement arises out of the same incident as Resolution No. RS2022-1672. On September 28, 2021, Mr. Clarence Davis was driving Ms. Shanice Brown's vehicle southbound on Gallatin Pike near the intersection of Gallatin Pike and Broadmoor Drive. A Metropolitan Nashville fire truck with emergency equipment activated approached Mr. Davis, who slowed to allow the fire truck to pass. A Metropolitan Health Department van driven by a Metro employee collided with the rear of Ms. Brown's vehicle. Ms. Brown's vehicle was damaged and \$3,758.72 was previously paid for repairs to the vehicle.

Ms. Brown was in the front passenger seat and suffered back pain. She was transported to the hospital where she received x-rays and was ultimately diagnosed with an acute lumbosacral myofascial strain. She received treatment for the injury, but later followed up with complaints of neck, back, and head pain. Additional tests were ordered, and she was diagnosed with cervical, lumbar, and thoracic strains. She was referred to chiropractic care.

The Department of Law recommends settlement of this claim for \$11,573, which includes \$6,573.54 in medical costs and \$4,999.46 in pain and suffering.

The disciplinary action taken against the Metro employee involved consisted of a driving course and

recertification.

*Fiscal Note: This \$11,573 settlement, along with the settlement per Resolution Nos. RS2022-1669, RS2022-1672 and RS2022-1681 would be the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$102,859. The fund balance would be \$11,297,794 after these payments.*