



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2020-645

Type: Resolution **Status:** Passed

File created: 11/5/2020 **In control:** Metropolitan Council

On agenda: 11/17/2020 **Final action:** 11/17/2020

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Marina Kasdallah against the Metropolitan Government of Nashville and Davidson County in the amount of \$40,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

Sponsors: Kyonzte Toombs

Indexes:

Code sections:

Attachments: 1. RS2020-645 Letter to Clerk

Date	Ver.	Action By	Action	Result
11/18/2020	1	Mayor	approved	
11/17/2020	1	Metropolitan Council	adopted	
11/16/2020	1	Budget and Finance Committee	approved	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Marina Kasdallah against the Metropolitan Government of Nashville and Davidson County in the amount of \$40,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on April 26, 2017, Marina Kasdallah was involved in an automobile collision at the intersection of Murfreesboro Pike and Briley Parkway in Davidson County causing Ms. Kasdallah personal injury. Ms. Kasdallah's vehicle was rear-ended by a vehicle owned by the Metropolitan Government and operated by one of its employees while in the course and scope of their employment; 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 Marina Kasdallah related to the events detailed above, be compromised and settled for \$40,000.00, 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 Marina Kasdallah for the sum of \$40,000.00 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

This resolution authorizes the Department of Law to settle the personal injury claims of Marina Kasdallah against the Metropolitan Government for the amount of \$40,000 to be paid out of the self-insured liability fund. On April 26, 2017, a Metro police officer was stopped at a red light at the intersection of Murfreesboro Pike and Briley Parkway. When the light turned green, the officer proceeded to move forward and struck the rear of Ms. Kasdallah's vehicle causing injuries to her head, neck, and back. She was evaluated at the hospital on two occasions and attended eight physical therapy sessions. She again sought treatment for pain one year later, and was diagnosed with chronic pain syndrome. Ms. Kasdallah's medical bills total \$25,984.75.

Since the Metro police officer was clearly at fault, the Department of Law recommends settling this claim for the amount of the medical bills plus approximately \$14,000 in pain and suffering.

The police officer involved received disciplinary action consisting of a written reprimand.

Fiscal Note: This \$40,000 settlement, along with the settlements per Resolution No. RS2020-646 and Resolution No. RS2020-647, would be the 17th, 18th, and 19th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,195,369. The fund balance would be \$1,902,060 after these payments.