



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2021-1223      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 10/21/2021      **In control:** Metropolitan Council

**On agenda:** 11/2/2021      **Final action:**

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Shelly and James Raley against the Metropolitan Government of Nashville and Davidson County in the amount of \$140,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

**Sponsors:** Burkley Allen

**Indexes:**

**Code sections:**

**Attachments:** 1. RS2021-1223 Letter to Metro Clerk Signed

Date	Ver.	Action By	Action	Result
11/3/2021	1	Mayor	approved	
11/2/2021	1	Metropolitan Council	adopted	
11/1/2021	1	Budget and Finance Committee	approved	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Shelly and James Raley against the Metropolitan Government of Nashville and Davidson County in the amount of \$140,000.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on May 28, 2017, the Plaintiff, Shelly Raley and her husband, James Raley were walking on the sidewalk at the intersection of John Lewis Way and Korean Veterans Boulevard when she tripped and fell over a water valve box that was protruding above the walking surface of the roadway. Plaintiffs, Shelly and James Raley, allege that due to the fall they sustained injuries, expenses, loss of consortium, 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 interest of the Metropolitan Government and recommends that any and all claims or causes of action brought or that could have been brought by Shelly and James Raley related to the events detailed above, be compromised and settled for \$140,000.00, 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 Shelly and James Raley for the sum of \$140,000.00, 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 May 28, 2017, Shelly Raley was walking with her husband James in downtown Nashville near the intersection of John Lewis Way and Korean Veterans Boulevard. The two stopped at the intersection and waited for the crosswalk sign. The two checked for cars and proceeded through the crosswalk. In the middle of the crosswalk, Ms. Raley tripped on a water valve box that was protruding above the walking surface of the roadway. She fell to the ground and injured her elbow.

At the hospital, it was determined that she broke her right elbow and required surgery. After surgery, she also was required to complete four months of physical therapy. Ms. Raley's medical bills to date total \$60,927.73. Mr. Raley has also brought a loss of consortium claim related to his wife's injury.

The Department of Law recommends settlement of this case for \$140,000.

*Fiscal Note: This \$140,000 settlement would be the 15<sup>th</sup> payment from the Self-Insured Liability Fund in FY22 for a cumulative total of \$874,068. The fund balance would be \$865,261 after these payments.*