



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	RS2022-1794	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	9/22/2022	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	10/4/2022	<b>Final action:</b>	10/4/2022
<b>Title:</b>	A resolution authorizing the Metropolitan Department of Law to make an offer of judgment pursuant to Fed. R. Civ. P. 68 to compromise and settle the claims of Ralph Ward against the Metropolitan Government and its employees in the amount of \$50,000.00, plus reasonable costs, with said amount to be paid from the Judgments and Losses Fund.		
<b>Sponsors:</b>	Kevin Rhoten, Jennifer Gamble		
<b>Indexes:</b>			
<b>Code sections:</b>			
<b>Attachments:</b>	1. Letter to Metro Clerk		

Date	Ver.	Action By	Action	Result
10/5/2022	1	Mayor	approved	
10/4/2022	1	Metropolitan Council	adopted	
10/3/2022	1	Budget and Finance Committee	approved	
9/27/2022	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to make an offer of judgment pursuant to Fed. R. Civ. P. 68 to compromise and settle the claims of Ralph Ward against the Metropolitan Government and its employees in the amount of \$50,000.00, plus reasonable costs, with said amount to be paid from the Judgments and Losses Fund.

WHEREAS, Ralph Ward filed a lawsuit against the Metropolitan Government and its employees alleging Fourth Amendment false arrest, malicious prosecution, and excessive force claims arising out of his arrest for felony evading arrest on November 14, 2019; and,

WHEREAS, after investigation, the Metropolitan Department of Law believes that the offer of judgment 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 Ralph Ward related to the events detailed above be compromised and settled for \$50,000.00, plus reasonable costs, and that this amount be paid from the Judgments and Losses 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 make an offer of judgment pursuant to Fed. R. Civ. P. 68 to compromise and settle the civil rights claims of Ralph Ward for the sum of \$50,000.00, plus reasonable costs, with said amount to be paid from the Judgments and Losses 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 November 14, 2019, Metropolitan Nashville Police Department (“MNPDP”) officers had been conducting surveillance on a wanted murder suspect at a hotel. MNPDP officers observed a suspicious vehicle at the hotel and decided to follow the vehicle. The vehicle was exceeding the speed limit and the officers initiated a traffic stop. However, the vehicle sped away. The MNPDP officers believed they located the vehicle, which eventually stopped at R&B Liquors in Nolensville.

Mr. Ralph Ward exited the vehicle and entered R&B Liquors. The officers followed Mr. Ward into the store and arrested him, believing that the vehicle Mr. Ward exited was the same vehicle that had fled from a lawful traffic stop and that a wanted murder suspect could have been in the vehicle. Mr. Ward complied with the arrest and denied that he had fled from the traffic stop, offering to show officers the GPS on his phone or his GPS device. Mr. Ward was charged with felony evading arrest. The charge was ultimately dismissed and his arrest was expunged.

Mr. Ward filed a lawsuit alleging a 14 U.S.C. § 1983 claim against the arresting MNPDP officers for false arrest, excessive force, and malicious prosecution under the Fourth Amendment. He also included a malicious prosecution claim against the Metropolitan Government.

Mr. Ward claims \$4,338.85 in pecuniary damages, including bond, attorneys fees, missed work days, and travel to court, along with an undisclosed amount of damages for emotional distress. He also has a claim for punitive damages. If Mr. Ward were to prevail at trial on the Section 1983 claim, he would also be entitled to attorney’s fees. It is estimated that, to date, Mr. Ward’s counsel has worked at least 110 hours.

The Department of Law recommends an offer of judgment to settle Mr. Ward’s claims for \$50,000, plus reasonable costs including attorney’s fees, pursuant to Federal Rule of Civil Procedure 68. While the exact costs and fees accrued are unknown, it is likely between \$50,000 and \$100,000. An offer of judgment is distinguished from a settlement-rather than concluding the litigation with a payment and release, the offer of judgment will allow Metro to shift some of the risk of cost to the plaintiff. The outcome of the offer of judgment could be conclusion of the litigation if the plaintiff accepts the offer, or it could shift some of the costs, including recovery of attorney’s fees accruing after the offer, if the plaintiff rejects the offer and continues to trial.

*Fiscal Note: This settlement would be the 1<sup>st</sup> payment from the Judgment and Losses Fund in FY23 for a potential total of \$150,000. The fund balance would be \$15,977,410 after these payments.*