



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2022-1837 **Name:**

Type: Resolution **Status:** Passed

File created: 10/20/2022 **In control:** Metropolitan Council

On agenda: 11/1/2022 **Final action:** 11/1/2022

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Renay Scott Patterson, individually and as next of kin and Administratrix Ad Litem of the Estate of Rickey Scott, III, deceased, and on behalf of the wrongful death beneficiaries of Rickey Scott III against the Metropolitan Government of Nashville and Davidson County in the amount of \$175,000.00, and that said amount be paid from the Self-Insured Liability Fund.

Sponsors: Kevin Rhoten

Indexes:

Code sections:

Attachments: 1. Letter to Metro Clerk

Date	Ver.	Action By	Action	Result
11/2/2022	1	Mayor	approved	
11/1/2022	1	Metropolitan Council	adopted	
10/31/2022	1	Budget and Finance Committee	approved	
10/25/2022	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Renay Scott Patterson, individually and as next of kin and Administratrix Ad Litem of the Estate of Rickey Scott, III, deceased, and on behalf of the wrongful death beneficiaries of Rickey Scott III against the Metropolitan Government of Nashville and Davidson County in the amount of \$175,000.00, and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on October 3, 2019, Rickey Scott, III was a student at Tennessee State University and sustained a gunshot wound in his room at the Watson Dormitory. Renay Scott Patterson has asserted negligence and wrongful death claims arising out of the care and treatment provided by the Nashville Fire Department's emergency medical services.

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 Renay Scott Patterson, individually and as next of kin and Administratrix Ad Litem of the Estate of Rickey Scott, III, deceased and on behalf of the wrongful death beneficiaries of Rickey Scott III related to the events detailed above be compromised and settled for \$175,000.00, 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 claim of Renay Scott Patterson, individually and as next of kin and Administratrix Ad Litem of the Estate of Rickey Scott, III, deceased, and on behalf of the wrongful death beneficiaries of Rickey Scott III for the sum of \$175,000.00 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 October 13, 2019, Rickey Scott, III, and his roommate entered their dorm room at Tennessee State University ("TSU"), accompanied by another student, George Wells, Jr. A few minutes later, around 11:00 a.m., a loud noise was heard from inside the dorm room and a resident assistant ("R.A.") on staff was alerted. The R.A. knocked on the door, had a brief conversation with someone inside the room, and then left. After this conversation, Mr. Wells left the room and brought back water. Mr. Scott was seen leaving the room, going to the bathroom, and then returning. Mr. Scott left a second time and was visibly distressed as he again went to the bathroom. When Mr. Scott emerged, he was assisted by another student but collapsed in the hallway. The R.A. was then alerted and called the TSU campus police and was patched through to the Metro Emergency Communication Center's 911 call center. At this point, the R.A. did not know that Mr. Scott had been shot and was told that Mr. Scott may have taken a pill. This information was relayed to the 911 call taker.

Nashville Fire Department ("NFD") personnel arrived at the dormitory at approximately noon. NFD personnel assessed the scene and noted the presence of blood and vomit on the floor, along with complaints from Mr. Scott of abdominal pain. NFD personnel also noted a lack of credible information from bystanders about Mr. Scott's condition. Mr. Scott told one paramedic that he had been hit with an air soft gun, but denied being assaulted or any foul play. The paramedic noticed a small scab on Mr. Scott's abdomen that looked like a cigarette burn. No blood was coming from the site. No one at the scene, including Mr. Scott's roommate and Mr. Wells, offered any information about a possible gun shot. The paramedic suspected that Mr. Scott was suffering from a gastrointestinal bleed and transported him to Centennial Medical Center's Emergency Room, the nearest hospital. The Centennial ER evaluated Mr. Scott and determined that he had been shot and a projectile was lodged in his abdomen. The Centennial ER did not have a trauma unit capable of treating a gunshot victim and Mr. Scott was transported to Skyline Medical Center by NFD personnel around 1:08 p.m. Mr. Scott arrived at Skyline around 1:30 p.m. and underwent surgery. At 2:12 p.m., Mr. Scott was pronounced deceased by Skyline's medical personnel. A .22 caliber bullet was recovered from Mr. Scott's abdomen. In July 2022, after a criminal investigation and trial, Mr. Wells was found guilty of reckless homicide and sentenced to five years in prison for the death of Mr. Scott.

Mr. Scott's mother, Renay Scott Patterson, seeks damages against the Metropolitan Government under Tennessee's wrongful death statutes. Under the statutes, categories of damages are generally available including, among other categories, the pecuniary value of life of the decedent. The "pecuniary value of life" is the present value of the amount the decedent would have earned over the remaining course of his or her life, less the amount of money for expenses such as food, clothing, housing, etc. Pecuniary value of life also includes loss of consortium damages, which includes both tangible services provided by a family member and intangible benefits from the continued existence of other families, such as protection, companionship, and love. Mr. Scott was a 19-year-old student pursuing his college degree in engineering. Given Mr. Scott's age, life expectancy, health, and pursuits, along with the damages allowed under the wrongful death statutes, it is possible that the Court would place a high value on the pecuniary value of Mr. Scott's life and the loss of consortium to his parents.

Ms. Patterson's claims against the Metropolitan Government are based on the lost chance of survival due to the delay in getting Mr. Scott to an appropriate trauma center to treat his injuries. NFD protocols and operational guidelines and procedures applicable to emergency medical services require NFD personnel to

transport patients to Vanderbilt University Medical Center when a patient is assessed with a penetrating injury to the abdominal region, such as a gunshot wound. Mr. Scott was instead taken to Centennial and later transported to Skyline. While it is possible that the Court could find that the Metropolitan Government is partially at fault for the wrongful death of Mr. Scott, the Tennessee Governmental Tort Liability Act would cap the applicable damages against the Metropolitan Government at \$300,000.

The Metropolitan Department of Law recommends settlement of the claims of Ms. Patterson and the Estate of Rickey Scott, III, for \$175,000.

Disciplinary action taken against the Metropolitan employee involved consisted of verbal counseling.

Fiscal Note: This \$175,000 settlement, along with the settlement per Resolution Nos. RS2022-1838, be the 13th and 14th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$498,221. The fund balance would be \$15,745,091 after these payments.