



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2022-1897

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

**File created:** 12/8/2022 **In control:** Metropolitan Council

**On agenda:** 12/20/2022 **Final action:** 12/20/2022

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of James Hood against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,000.00, 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
12/22/2022	1	Mayor	approved	
12/20/2022	1	Metropolitan Council	adopted	
12/19/2022	1	Budget and Finance Committee	approved	
12/13/2022	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of James Hood against the Metropolitan Government of Nashville and Davidson County in the amount of \$25,000.00, and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on April 9, 2020, James Hood, who was an inmate at the Davidson County Sheriff's Office Maximum Correctional Center, attempted to climb into his bed, which tipped over causing him to fall and suffer personal injuries.

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 James Hood related to the events detailed above, be compromised and settled for \$25,000.00 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 James Hood for the sum of \$25,000.00 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 April 9, 2020, James Hood was an inmate at the Davidson County Sheriff's Office ("DCSO") Maximum

Correction Center ("MCC") on Harding Pike. Mr. Hood was attempting to climb into the bunk bed in his cell when the bed tipped over causing Mr. Hood to fall to the floor. Correctional officers responded and found Mr. Hood on the floor with the bunk bed lying on top of him.

Mr. Hood was taken by ambulance to the Nashville General Hospital Emergency Room and also received follow-up care on multiple occasions. He was ultimately diagnosed with acute lumbar radiculopathy. An MRI of Mr. Hood's spine revealed disk bulging and spinal stenosis. He continued to receive treatment for back pain from the Tennessee Department of Corrections including physical therapy. He periodically uses a walker due to continuing back pain.

Bunk beds at the DCSO MCC are supposed to be secured to the floor. Three days prior to this incident, there was a separate incident of a bunk bed tipping over. Maintenance records document other instances of bunk beds becoming loose or detached from the floor prior to this incident. Following this incident, an audit of all bunk beds in this pod revealed multiple loose or detached bunk beds and all were repaired.

The Department of Law recommends settlement of this personal injury claim for \$25,000.

*Fiscal Note: This \$25,000 settlement would be the 18<sup>th</sup> payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$570,700. The fund balance would be \$15,641,468 after this payment.*