



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

|                       |   |                      |                      |
|-----------------------|---|----------------------|----------------------|
| <b>File #:</b>        | RS2023-1993   | <b>Name:</b>         |                      |
| <b>Type:</b>          | Resolution  | <b>Status:</b>       | Passed               |
| <b>File created:</b>  | 1/13/2023   | <b>In control:</b>   | Metropolitan Council |
| <b>On agenda:</b>     | 2/7/2023  | <b>Final action:</b> | 2/7/2023             |
| <b>Title:</b>         | A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Liberty Mutual as subrogee of Maya Davila against the Metropolitan Government in the amount of \$18,473.98, and that said amount to be paid from the Self-Insured Liability Fund. |                      |                      |
| <b>Sponsors:</b>      | Kevin Rhoten  |                      |                      |
| <b>Indexes:</b>       |   |                      |                      |
| <b>Code sections:</b> |   |                      |                      |
| <b>Attachments:</b>   | 1. Letter to Metro Clerk  |                      |                      |

| Date      | Ver. | Action By                    | Action   | Result |
|-----------|------|------------------------------|----------|--------|
| 2/14/2023 | 1    | Mayor                        | approved |        |
| 2/7/2023  | 1    | Metropolitan Council         | adopted  |        |
| 2/6/2023  | 1    | Budget and Finance Committee | approved |        |
| 1/31/2023 | 1    | Metropolitan Council         | filed    |        |

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Liberty Mutual as subrogee of Maya Davila against the Metropolitan Government in the amount of \$18,473.98, and that said amount to be paid from the Self-Insured Liability Fund.

WHEREAS, on July 9, 2022, as Maya Davila was attempting to merge into a southbound lane on I-65, an NDOT truck also attempted to merge into the same lane striking the rear of Ms. Davila's vehicle and causing it to roll over, resulting in extensive damage to her vehicle; 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 Liberty Mutual as Subrogee of Maya Davila related to the events detailed above be compromised and settled for \$18,473.98, 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 property damage claim of Liberty Mutual as subrogee of Maya Davila for the sum of \$18,473.98, 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 July 9, 2022, an employee of the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") was driving an NDOT vehicle on I-65 South. Maya Davila was driving in another lane on I-65 South. Ms. Davila began merging into a lane. The NDOT driver failed to see Ms. Davila's vehicle and also began to merge, causing the NDOT vehicle to strike Ms. Davila's vehicle in the rear and roll over.

Ms. Davila's vehicle received damage to the front bumper, grille, headlights, hood, right and left fenders, left airbag, right and left doors, rear window and rear lights. The vehicle was determined to be a total loss. The total property damage, less salvage recovery and plus rental, is \$18,473.98.

The Metropolitan Department of Law recommends settlement of this property damage claim with Liberty Mutual as subrogee of Maya Davila for \$18,473.98.

Disciplinary action taken against the NDOT employee involved consisted of a written reprimand.

*Fiscal Note: This \$18,473.98 settlement would be the 19th payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$592,174. The fund balance would be \$17,465,497 after this payment.*