



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2031

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

**File created:** 2/8/2023 **In control:** Metropolitan Council

**On agenda:** 2/21/2023 **Final action:** 2/21/2023

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Elizabeth Giddens against the Metropolitan Government of Nashville and Davidson County in the amount of \$30,000.00, and that said amount be paid from the Self-Insured Liability Fund.

**Sponsors:** Kevin Rhoten

**Indexes:**

**Code sections:**

**Attachments:** 1. Ltr to Metro Clerk Giddens Signed (N0518643xD719A).PDF

Date	Ver.	Action By	Action	Result
2/23/2023	1	Mayor	approved	
2/21/2023	1	Metropolitan Council	adopted	
2/21/2023	1	Budget and Finance Committee	approved	
2/14/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Elizabeth Giddens against the Metropolitan Government of Nashville and Davidson County in the amount of \$30,000.00, and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on March 10, 2018, the Plaintiff, Elizabeth Giddens, was walking on the sidewalk at 150 Third Avenue South, tripped in a hole caused by a missing sign, and sustained injuries, expenses, and damages that she alleges were 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 Elizabeth Giddens related to the events detailed above be compromised and settled for \$30,000.00, 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 Elizabeth Giddens for the sum of \$30,000.00, 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 March 10, 2018, Elizabeth Giddens was visiting Nashville and walking on the sidewalk in front of 150 Third

Avenue South to meet her rideshare driver. While walking, she tripped in a hole in the concrete and struck her head and face on a car and the curb, resulting in injury. The hole was caused by a missing sign in the sidewalk.

Ms. Giddens was transported to the hospital by the Nashville Fire Department with a severe headache, nausea, and pain in her neck. She was diagnosed with a closed head injury with concussion, post-concussion syndrome, and facial contusions. She returned to her home and experienced headache, dizziness, and changes in vision. She was again diagnosed with post-concussion syndrome and was referred to a neurologist as well as physical therapy and chiropractic care. Ms. Giddens completed three neurologist visits, two physical therapy visits, and 15 chiropractic visits. Her out of pocket medical expenses total \$18,490.24.

The Metropolitan Department of Law recommends settlement of this personal injury claim for \$30,000.

*Fiscal Note: This \$30,000 settlement, along with the settlement per Resolution Nos. RS2023-2024, and RS2023-2030 would be the 20<sup>th</sup>, 21<sup>st</sup> and 22<sup>nd</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$732,640. The fund balance would be \$17,298,619 after these payments.*