



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2119

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

**File created:** 4/4/2023 **In control:** Metropolitan Council

**On agenda:** 4/18/2023 **Final action:** 4/18/2023

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Dennise Marshall against the Metropolitan Government of Nashville and Davidson County in the amount of \$110,000.00, 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
4/26/2023	1	Mayor	approved	
4/18/2023	1	Metropolitan Council	adopted	
4/17/2023	1	Budget and Finance Committee	approved	
4/11/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Dennise Marshall against the Metropolitan Government of Nashville and Davidson County in the amount of \$110,000.00, and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on February 8, 2022, the Plaintiff, Dennise Marshall, sustained injuries, damages, and expenses that she alleges were caused by the negligence of a Metro Water Services employee, while operating a vehicle owned by the Metropolitan Government, who struck Plaintiff's vehicle when he failed to yield the right of way at the intersection of Hermitage Avenue and Driftwood Street; 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 Dennise Marshall related to the events detailed above be compromised and settled for \$110,000.00, 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 Dennise Marshall for the sum of \$110,000.00, 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 February 8, 2022, an employee of Metro Water Services (“MWS”) was driving a MWS truck southbound on Driftwood Street. Dennise Marshall was traveling eastbound on Hermitage Avenue. At the intersection of Hermitage Avenue and Driftwood Street, Ms. Marshall entered the left turn lane to turn left onto Driftwood Street. After stopping at the stop sign on Driftwood Street, the MWS employee attempted to turn onto Hermitage Avenue and struck the driver’s side of Ms. Marshall’s vehicle.

Ms. Marshall sought treatment at the emergency room, with complaints of chest, abdominal, back, neck, and extremity pain. Bloodwork, x-rays, and CT scan were ordered. She was diagnosed with a head injury, cervical strain, left wrist strain, lumbar strain, elevated blood pressure, and contusions of the abdomen, chest, and left knee. Ms. Marshall followed up with her primary care provider, complaining of pain in her back, legs, knee, and shoulder. She was treated for persistent neck pain, left trapezius pain, and difficulty turning her head. She received 33 physical therapy sessions. She incurred \$69,314.99 in medical bills and \$2,658.40 in lost wages. Metro has previously paid for the property damage to her vehicle.

The Metropolitan Department of Law recommends settlement of Ms. Marshall’s personal injury claim for \$110,000.

*Fiscal Note: This \$110,000 settlement, along with the settlements per Resolution Nos. RS2023-2104, RS2023-2114, and RS2023-2120 would be the 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,010,921. The fund balance would be \$18,891,688 after these payments.*