



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

<b>File #:</b>	RS2023-2170	<b>Name:</b>	
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	4/28/2023	<b>In control:</b>	Metropolitan Council
<b>On agenda:</b>	5/16/2023	<b>Final action:</b>	5/16/2023
<b>Title:</b>	A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of John Foy against the Metropolitan Government of Nashville and Davidson County in the amount of \$23,016.50, and that said amount be paid out of 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
5/17/2023	1	Mayor	approved	
5/16/2023	1	Metropolitan Council	adopted	
5/15/2023	1	Budget and Finance Committee	approved	
5/9/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of John Foy against the Metropolitan Government of Nashville and Davidson County in the amount of \$23,016.50, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on August 5, 2020, Judy Krantz, a Nashville Fire Department employee, was driving Engine 17 to the station at 3911 West End Avenue after responding to an emergency call. Near the Intersection of Harding Pike and Ridgefield Way, construction on Harding Pike closed the right two lanes and shifted eastbound traffic into the center turn lane. Plaintiff John Foy was sitting in a parked dump truck close to the edge of the work zone that was adjacent to the center lane of travel. As Judy Krantz attempted to maneuver Engine 17 through the narrow lane of travel, the mirrors of Engine 17 and the dump truck collided. Plaintiff John Foy alleges that due to the collision, he sustained injuries, expenses, and damages proximately caused by the negligence of Metro; 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 John Foy related to the events detailed above, be compromised and settled for \$23,016.50, 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 John Foy for the sum of \$23,016.50, 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 August 5, 2020, a Nashville Fire Department (“NFD”) firefighter was driving Engine 17 to the station at 3911 West End Avenue after responding to an emergency call. Construction on Harding Pike closed two lanes and shifted eastbound traffic into the center turn lane near the intersection of Harding Pike and Ridgefield Way. John Foy was in a parked dump truck near the edge of the work zone adjacent to the center turn lane. As the firefighter attempted to maneuver Engine 17 through the narrow lane of travel, the mirrors of Engine 17 collided with the dump truck. Because of this, Engine 17’s right blind spot mirror and the left side view mirror of the dump truck cracked. Mr. Foy’s employer declined to file a claim for property damage related to the mirror of the dump truck.

Mr. Foy sought treatment at the emergency room on the day of the accident complaining of muffled hearing and ringing in his ears. He underwent examination and a CT of his head. He was ultimately diagnosed with hearing loss due to head trauma. He was later diagnosed with tinnitus, dizziness, headaches, and unspecified sensorineural hearing loss in his left hear. Mr. Foy’s medical expenses totaled \$10,828.67.

The Department of Law recommends settlement of Mr. Foy’s personal injury claim for \$23,016.50.

*Fiscal Note: This \$20,016.50 settlement would be the 31<sup>st</sup> payment from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,125,471. The fund balance would be \$18,819,747 after these payments.*