



# Metropolitan Nashville and Davidson County, TN

## Legislation Details (With Text)

**File #:** RS2023-2230 **Name:**

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

**File created:** 5/22/2023 **In control:** Metropolitan Council

**On agenda:** 6/6/2023 **Final action:** 6/6/2023

**Title:** A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Mitchell Barsotti against the Metropolitan Government of Nashville and Davidson County in the amount of \$170,000.00, 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
6/15/2023	1	Mayor	approved	
6/6/2023	1	Metropolitan Council	adopted	
6/5/2023	1	Budget and Finance Committee	approved	
5/30/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Mitchell Barsotti against the Metropolitan Government of Nashville and Davidson County in the amount of \$170,000.00, and that said amount be paid from the Self-Insured Liability Fund.

WHEREAS, on August 6, 2022, a Metro Water Services employee, while operating a vehicle owned by the Metropolitan Government, failed to yield to a red traffic signal at the intersection of Old Hickory Boulevard and Stone Brook Drive, striking Mitchell Barsotti's vehicle as he was attempting to make a left turn onto Old Hickory Boulevard. Mr. Barsotti sustained injuries from the collision; 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 Mitchell Barsotti related to the events detailed above be compromised and settled for \$170,000.00, 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 Mitchell Barsotti for the sum of \$170,000.00, 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 August 6, 2022, a Metro Water Services ("MWS") employee was driving a Metro vehicle when he attempted to go through a red traffic signal at the intersection of Old Hickory Boulevard and Stone Brook Drive. Mitchell Barsotti driving his vehicle in the left turn lane on Stone Brook Drive proceeding to turn left onto Old Hickory Boulevard through a green traffic signal when he was struck by the MWS vehicle. Mr. Barsotti's vehicle was deemed a total loss and a property damage claim has previously been paid to his insurance company.

Mr. Barsotti received treatment for a minor head injury, neck strain, and an elbow contusion. He followed up with his primary care physician and orthopedist where he was diagnosed with an acute partial tear of the distal triceps tendon and a spinal disc bulge. Mr. Barsotti underwent surgery and physical therapy. He was released from care in February 2022. Mr. Barsotti's medical expenses totaled \$56,382.63.

The Department of Law recommends settlement of Mr. Barsotti's personal injury claim for \$170,000.00.

Disciplinary action against the MWS employee involved consisted of a verbal reprimand.

*Fiscal Note: This \$170,000 settlement, along with the settlements per Resolution Nos. RS2023-2218, RS2023-2228, RS2023-2229 and RS2023-2231 would be the 32<sup>nd</sup>, 33<sup>rd</sup>, 34<sup>th</sup>, 35<sup>th</sup> and 36<sup>th</sup> payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,406,499. The fund balance would be \$18,224,942 after these payments.*