



Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #: RS2023-2269

Type: Resolution **Status:** Passed

File created: 6/8/2023 **In control:** Metropolitan Council

On agenda: 6/20/2023 **Final action:** 6/20/2023

Title: A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Tracy Evans as surviving spouse and next of kin of James Evans, deceased, against the Metropolitan Government of Nashville and Davidson County in the amount of \$150,000.00, with said amount to 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
6/23/2023	1	Mayor	approved	
6/20/2023	1	Metropolitan Council	adopted	
6/20/2023	1	Budget and Finance Committee	approved	
6/13/2023	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Tracy Evans as surviving spouse and next of kin of James Evans, deceased, against the Metropolitan Government of Nashville and Davidson County in the amount of \$150,000.00, with said amount to be paid from the Self-Insured Liability Fund.

WHEREAS, on June 12, 2019, James Evans sustained personal injuries when his vehicle was struck by a suspect fleeing an attempted traffic stop. Tracy Evans, as his surviving spouse and next of kin, has asserted a negligence and wrongful death claim alleging that the Metropolitan Nashville Police Department contributed to Mr. Evans's injuries by engaging in a negligent police pursuit.

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 Tracy Evans related to the events detailed above, be compromised and settled for \$150,000.00 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 claim of Tracy Evans for the sum of \$150,000.00, 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 June 12, 2019, a Metropolitan Nashville Police Department (“MNPDP”) officer initiated a traffic stop of Anthony Poplar for exceeding the speed limit and failing to use a turn signal. Mr. Poplar made a U-turn and the MNPDP officer followed, believing Mr. Poplar was pulling into a parking lot of an adjacent business. Instead, Mr. Poplar attempted to flee and accelerated to a high rate of speed. According to the MNPDP officer, the officer did not immediately deactivate the emergency lights and sirens in an effort to warn other motorists, as Mr. Poplar was approaching the intersection of Jefferson Street and 21st Avenue against a red light. Once Mr. Poplar cleared the intersection, the MNPDP officer deactivated the emergency lights and siren and did not engage in a pursuit. Shortly after passing through the intersection, Mr. Poplar lost control of his vehicle and collided with the rear of a vehicle driven by James Evans. The vehicle was parked on the shoulder of Jefferson Street near the I-40 overpass. The MNPDP officer realized there had been a crash and approached the accident scene with the emergency lights and sirens activated and rendered aid to Mr. Evans.

Mr. Evans was transported to the hospital with severe injuries. He sustained a spinal cord injury that caused him to be paralyzed from the chest down. He spent months in hospitals and rehabilitation clinics. He incurred \$561,732 in medical expenses related to the accident. On January 28, 2020, Mr. Evans passed away due to complications from his injuries.

Tracy Evans, the widow of James Evans, brought a wrongful death claim on behalf of Mr. Evans against Mr. Poplar, the owner of the vehicle driven by Mr. Poplar, and the Metropolitan Government.

The Department of Law recommends settlement of Ms. Evans’s wrongful death claim for \$150,000.

No disciplinary action was taken against the MNPDP officer involved.

Fiscal Note: This \$150,000 settlement, along with the settlement per Resolution No. RS2023-2272 would be the 37th and 38th payments from the Self-Insured Liability Fund in FY23 for a cumulative total of \$1,636,499. The fund balance would be \$18,030,576 after these payments.