Metropolitan Nashville and Davidson County, TN

Legislation Details (With Text)

File #:	RS2024-514		
Type:	Resolution	**Status:**	Passed
File created:	5/23/2024	**In control:**	Metropolitan Council
On agenda:	6/4/2024	**Final action:**	6/4/2024
Title:	A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of John Dernbach against the Metropolitan Government of Nashville and Davidson County in the amount of $137,500.00, and that said amount be paid out of the Self-Insured Liability Fund.		
Sponsors:	Delishia Porterfield		
Indexes:			
Code sections:			
Attachments:	1. Letter to Metro Clerk		

Date	Ver.	Action By	Action	Result
6/7/2024	1	Mayor	approved	
6/4/2024	1	Metropolitan Council	adopted	
6/3/2024	1	Budget and Finance Committee	approved	
5/28/2024	1	Metropolitan Council	filed	

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of John Dernbach against the Metropolitan Government of Nashville and Davidson County in the amount of $137,500.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on May 27, 2021, the Plaintiff, John Dernbach, was injured by a damaged signpost in the sidewalk at or near 441 Chestnut Street in Nashville, Tennessee. Dernbach alleges that he fell and sustained injuries, generating expenses and damages proximately 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 interests of the Metropolitan Government, and recommends that any and all claims or causes of action that John Dernbach brought or could have brought related to the events detailed above be compromised and settled for $137,500.00, 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 John Dernbach for the sum of $137,500.00, 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

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On May 27, 2021, John Dernbach was walking his dog on a sidewalk along Chestnut Street when his lower leg or calf was impaled by a damaged “no parking” sign. Mr. Dernbach was taken by ambulance to the Vanderbilt Emergency Medical Center. He was diagnosed with a leg laceration and a tendon injury in his right leg. Mr. Dernbach underwent surgical debridement and tendon repair. He also participated in extensive physical therapy following the surgery. Mr. Dernbach continues to experience some pain and weakness in his right foot. He has incurred $60,213.72 in medical expenses to date.

The Nashville Department of Transportation and Multimodal Infrastructure (“NDOT”) was notified of the damaged sign on the day after the incident. The sign was quickly repaired to prevent other injuries. The signpost in question was not reported to NDOT before the incident, but photographs showed that the sign had been damaged for more than two and a half years prior to Mr. Dernbach’s injury.

The Department of Law recommends settlement of Mr. Dernbach’s negligence claim for $137,500.

Fiscal Note: The total settlement amount is $137,500. This settlement along with Resolution Nos. RS2024-496 and RS2024-518 would be the 27th, 28th and 29th payments from the Self-Insured Liability Fund in FY24 for a cumulative total of $1,592,317. The fund balance would be $13,763,978 after these payments.

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