



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2021-1028, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Devin Carter against the Metropolitan Government of Nashville and Davidson County in the amount of \$7,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on December 1, 2018, Devin Carter was operating her vehicle on Wedgewood Avenue, traveling East and approaching the intersection of Wedgewood Avenue and Eighth Avenue South. At that same time, Patricia Shyes was traveling West and approaching the intersection of Wedgewood Avenue and Eighth Avenue South. As the vehicles approached the intersection, a police car driven by Officer Atkinson was also approaching the intersection of Wedgewood Avenue and Eighth Avenue South with its emergency equipment activated. Ms. Carter stopped to allow Officer Atkinson to proceed through the intersection. Ms. Shyes failed to yield the right-of-way and entered the intersection at the same time as Officer Atkinson, causing a collision and Ms. Shyes' vehicle struck Ms. Carter's vehicle causing personal injury to Devin Carter; 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 Devin Carter related to the events detailed above, be compromised and settled for \$7,500.00, 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 Devin Carter for the sum of \$7,500.00 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

On December 1, 2018, a Metro police officer was responding to a burglary call with his lights and siren activated when he entered the intersection of Wedgewood Avenue and 8th Avenue South and was struck by a Camry driven by Ms. Shyes. The Camry in turn struck Ms. Carter's SUV, which was sitting still, causing minor injuries to her neck and back. Her medical bills total \$10,038.91.

Ms. Carter has agreed to settle this claim for \$15,000, with \$7,500 coming from Metro and \$7,500 from Ms. Shyes. Although T.C.A. § 55-8-108 allows emergency vehicles with their lights and siren activated to proceed past a red light, but they must slow down as necessary for safe operation. The Metro police officer was disciplined for traveling at an excessive speed and failing to properly clear the intersection.

Fiscal Note: This \$7,500 settlement, along with the settlements per Resolution No. RS2021-1029 and

Resolution No. RS2021-1031, would be the 35th, 36th, and 37th payments from the Self-Insured Liability Fund in FY21 for a cumulative total of \$1,919,594. The fund balance would be \$944,408 after these payments.