



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-1105, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Donna Caruthers against the Metropolitan Government of Nashville and Davidson County in the amount of \$19,000.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on October 16, 2020, an employee of the Nashville Department of Transportation and Multimodal Infrastructure, while operating a vehicle owned by the Metropolitan Government, struck the rear of the vehicle in which Donna Caruthers was a passenger, causing injury to Ms. Caruthers; 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 the personal injury claim be compromised and settled for \$19,000.00, 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 Donna Caruthers for the sum of \$19,000.00 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 October 16, 2020, Donna Caruthers was a passenger in a vehicle parked on 25<sup>th</sup> Avenue North. A Department of Public Works employee was parked behind the vehicle against traffic flow. As the Public Works employee attempted to back up, he struck the vehicle Ms. Caruthers was in. The property damage claim for repairs to the vehicle have been previously paid for \$1,278.88. This settlement arises out of the same incident in Resolution No. RS2021-1106.

Ms. Caruthers reported neck, shoulder, arm, and thoracic back pain. She received ongoing medical attention and was treated to relieve and decrease pain, inflammation, muscle spasms, and to improve range of motion and functionality. Her medical expenses totaled \$9,950.

The Metropolitan Department of Law recommends settling this claim for \$19,000, which includes \$9,050 for pain and suffering.

*Fiscal Note: This \$19,000 settlement, along with the settlement per Resolution Nos. RS2021-1095, RS2021-1106, RS2021-1107 and RS2021-1108 would be the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$379,625. The fund balance would be \$1,301,766 after these payments.*