



# Metropolitan Nashville and Davidson County, TN

## Legislation Text

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**File #:** RS2021-1294, **Version:** 1

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A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Anette and Mark Buscemi against the Metropolitan Government of Nashville and Davidson County in the amount of \$9,500.00, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on July 22, 2018, Anette and Mark Buscemi were walking from their hotel to pick up a rental car. As they were walking in front of 814 Church Street, Anette Buscemi tripped over a defect in the sidewalk and fell, causing her personal injury; 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 Anette and Mark Buscemi related to the events detailed above, be compromised and settled for \$9,500.00, 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 Anette and Mark Buscemi for the sum of \$9,500.00 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 July 22, 2018, Annette and Mark Buscemi were walking on Church Street in downtown Nashville. As they walked in front of 814 Church Street, Ms. Buscemi tripped on the uneven sidewalk and fell, injuring her head and right wrist.

Ms. Buscemi sought treatment and was diagnosed with a concussion and sprain of her right wrist. Later, she sought treatment for headaches and vertigo. A neurologist diagnosed her with post-concussive syndrome. An MRI produced no abnormal results and Ms. Buscemi discontinued treatment. Ms. Buscemi incurred \$13,360.09 in medical expenses related to this incident. Her husband, Mr. Buscemi, has asserted a loss of consortium claim during the time Ms. Buscemi spent recovering from her injuries.

The Department of Law recommends settlement of this claim for \$9,500. If the case were to go to trial and the Plaintiffs prevailed, it is possible that they would recover a higher sum and Metro would incur costs to retain a rebuttal expert.

*Fiscal Note: This \$9,500 settlement, along with the settlement per Resolution Nos. RS2021-1277, and*

*RS2021-1297 would be the 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> payments from the Self-Insured Liability Fund in FY22 for a cumulative total of \$1,022,807. The fund balance would be \$6,864,004 after these payments.*