



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2024-612, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Michelle Mitchell on behalf of Kamari Lee Vaughn against the Metropolitan Government of Nashville and Davidson County in the amount of \$22,500, with said amount to be paid out of the Judgments and Losses Fund.

WHEREAS, on March 2, 2023, Kamari Lee Vaughn, daughter of Michelle Mitchell, was injured while playing on a jungle gym at Richland Head Start, a Metro Action Commission Head Start school; 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 Michelle Mitchell on behalf of her daughter related to the events detailed above be compromised and settled for \$22,500, and that this amount be paid from the Judgments and Losses 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 tort claims of Michelle Mitchell on behalf of Kamari Lee Vaughn for the sum of \$22,500, with said amount to be paid from the Judgments and Losses 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 or around March 2, 2023, Kamari Lee Vaughn, a student at Richland Head Start, fell from a school playground after being accidentally pushed off of a jungle gym by another student. She sustained an injury to her left arm. Kamari's mother, Michelle Mitchell, was immediately notified of the incident and took Kamari to the emergency room. Kamari was diagnosed with a broken arm, which was treated with a cast. Ms. Mitchell's out-of-pocket medical expenses were \$9,871.03.

Ms. Mitchell filed a claim with the Department of Law's claim division, which was denied. Ms. Mitchell then filed a lawsuit on behalf of her daughter against the Metropolitan Government. The lawsuit seeks economic and non-economic damages "in an amount not to exceed \$500,000." Ms. Mitchell claims that her daughter was negligently supervised and that the Metropolitan Government knew or should have known of the dangerous condition posed by the jungle gym. After the injury, the jungle gym was removed and replaced with a new jungle gym.

The Department of Law recommends settlement of Ms. Mitchell's claim for \$22,500. The settlement would include a dismissal with prejudice of all of Ms. Mitchell's claims against the Metropolitan Government and its affiliates. While the Department believes the negligent supervision claim is without merit, the evidence tied to knowledge of the dangerous condition claim could lead a jury to find in Ms. Mitchell's favor. If the plaintiff prevailed at trial, the combined cost of defense and judgment would clearly exceed the proposed settlement.

Fiscal Note: The total settlement amount is \$22,500. This settlement would be 2nd payment from the Judgment and Losses Fund in FY25 for a cumulative total of \$522,500. The fund balance would be \$20,182,479 after this payment.