



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2024-697, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the property damage claim of Progressive Insurance as subrogee of Toby L. McMillin against the Metropolitan Government of Nashville and Davidson County in the amount of \$16,641.22, with said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on April 24, 2024, an NDOT employee unintentionally backed his vehicle into Mr. McMillin's Chevrolet Equinox, causing significant damage to it; 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 Progressive Insurance as subrogee of Toby McMillin related to the events detailed above be compromised and settled for \$16,641.22, 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 property damage claim of Progressive Insurance as subrogee of Toby McMillin for the sum of \$16,641.22, 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 April 24, 2024, an employee with the Nashville Department of Transportation and Multimodal Infrastructure ("NDOT") backed a department truck into a 2021 Chevrolet Equinox driven by Toby L. McMillin on Murfreesboro Pike. The NDOT employee failed to ensure no one was behind him while backing up the truck and attempting a left turn before colliding with the Equinox. The wreck caused extensive damage to the front and hood areas of the vehicle, which was declared a total loss.

The Department of Law recommends settlement of the property damage claim of Progressive Insurance, as subrogee of Mr. McMillin, for \$16,641.22.

The NDOT employee involved in the collision received a verbal reprimand after the incident.

Fiscal Note: The total settlement amount is \$16,641.22. This settlement along with Resolution Nos. RS2024-692 and RS2024-694 would be the 5th, 6th and 7th payment from the Self-Insured Liability Fund in FY25 for a cumulative total of \$288,480. The fund balance would be \$13,852,318 after this payment.