File #: RS2024-760, **Version:** 2

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Victor Shute against the Metropolitan Government of Nashville and Davidson County in the amount of $25,000, with said amount to be paid out of the Self-Insured Liability Fund.

WHEREAS, on August 31, 2023, a Metropolitan Nashville police officer was responding to an emergency call with lights and sirens activated as he entered the intersection of Rosa L. Parks Boulevard and Clarksville Highway. Victor Shute approached the intersection attempting to make a left turn onto Rosa L. Parks Boulevard. The patrol car struck Mr. Shute's truck, causing injury to him; 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 Victor Shute related to the events detailed above be compromised and settled for $25,000, 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 Victor Shute for the sum of $25,000, 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 August 31, 2023, a Metropolitan Nashville Police Department ("MNPD") officer driving an MNPD vehicle struck the pick-up truck driven by Victor Shute at the intersection of Clarksville Highway and Rosa L. Parks Boulevard. The MNPD officer's dash cam footage showed the officer's speed was 53 mile per hour and the officer had a red light. Mr. Shute did not see the police vehicle approaching due to a box truck making a right turn. Mr. Shute's truck was towed from the scene of the accident with damage to the front and left sides with air bags deployed. No property damage claim was submitted on behalf of Mr. Shute.

Mr. Shute was treated at the hospital for upper back, neck, and chest pain. He was diagnosed with whiplash, muscle strain, neck sprain, and low back pain. Mr. Shute started chiropractic care on October 20, 2023, and concluded treatment on December 29, 2023. His medical bills totaled $16,313.81.

The Department of Law recommends that the Metropolitan Government settle Mr. Shute's personal injury claim for $25,000, which includes $16,313.81 in medical costs at $8,686.19 in pain and suffering.

Disciplinary action against the MNPD officer consisted of a suspension.

Fiscal Note: The total settlement amount is $25,000.00, This settlement along with Resolution Nos. RS2024-757, RS2024-761, and RS2024-763 would be the 8th, 9th, 10th, and 11th payments from the Self-Insured Liability Fund in FY25 for a cumulative total of $400,980. The fund balance would be $13,719,357 after this payment.