



Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: RS2024-757, **Version:** 1

A resolution authorizing the Metropolitan Department of Law to compromise and settle the personal injury claim of Jamie Martin against the Metropolitan Government of Nashville and Davidson County in the amount of \$40,500.00, and that said amount be paid out of the Self-Insured Liability Fund.

WHEREAS, on February 1, 2021, Plaintiff Jamie Martin was injured in a motor vehicle accident when a Metropolitan Government employee driving a Metropolitan Government-owned vehicle in the course and scope of his employment collided with Plaintiff's vehicle on Clarksville Highway near the Simpkins Road intersection; 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 interests of the Metropolitan Government, and recommends that any and all claims or causes of action that Jamie Martin brought or could have brought related to the events detailed above be compromised and settled for \$40,500.00, 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 Jamie Martin for the sum of \$40,500.00, 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 February 1, 2021, a Nashville Fire Department ("NFD") employee was driving a Metro-owned sedan vehicle northbound on Clarksville Highway towards the Station 30 Fire Hall in Joelton. The vehicle broke down while it traveled up a long steep grade on Clarksville Highway. The employee deemed it unsafe to leave the vehicle parked on the shoulder. Instead, he turned the vehicle around and started to coast downhill partially in the southbound lane and partially in the shoulder at a slow speed with its hazard lights activated. The employee let the vehicle coast while partially in the lane of traffic and attempted to turn left into a pullout area at the Simpkins Road intersection.

At the same time, a vehicle driven by Jamie Martin approached the NFD vehicle from behind. As Ms. Martin attempted to pass the NFD vehicle on the left, the NFD vehicle veered left and collided with Ms. Martin's vehicle. The NFD employee could not recall whether he signaled to turn left. Ms. Martin was taken from the scene of the accident to the emergency room, where she remained overnight for observation. She was diagnosed with abdominal pain and neck and back strains. Ms. Martin received chiropractic treatment and physical therapy for several months following the wreck. She incurred \$34,041 in medical expenses related to the accident and claimed \$7,000 in lost income for missed days of work.

The Department of Law recommends settlement of Ms. Martin's negligence claim for \$40,500. The Metropolitan Government would incur significant legal expense if the case went to trial, while risking that the trial court may award Ms. Martin damages greater than the proposed settlement.

The NFD employee involved in the incident no longer works for the Metropolitan Government.

Fiscal Note: The total settlement amount is \$40,500. This settlement along with Resolution Nos. RS2024-760, 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.