File #: RS2025-1368, **Version:** 2

A resolution authorizing the Metropolitan Department of Law to compromise and settle the claim of Wesley Burney against the Metropolitan Government of Nashville and Davidson County, in the amount of $300,000.00, with said amount to be paid out of the Self Insured Liability Fund.

WHEREAS, on July 12, 2022, Wesley Burney was injured in a vehicle collision with a Metropolitan Nashville Police Department officer at the intersection of Jefferson Street and Dr. DB Todd Jr Blvd.; 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 Wesley Burney related to the events detailed above be compromised and settled for $300,000.00, 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 tort claims of Wesley Burney for the sum of $300,000.00, 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 12, 2022, Wesley Burney was traveling westbound on Jefferson Street through a blinking yellow light. At the same time, a Metropolitan Nashville Police Department Officer was travelling southbound on Dr. DB Todd Jr Blvd through an intersection with a red blinking light. The officer drove through the red blinking light without stopping and collided with Mr. Burney's vehicle. Dash and body camera footage indicated that the officer failed to slow or stop at the flashing red light.

Mr. Burney went to the emergency room with back and neck pain. Mr. Burney followed up with a specialist and was diagnosed with cervical herniated nucleus pulposus, cervical stenosis, and cervical radiculopathy. After several months of therapy, Mr. Burnetyunderwent surgery and continued to experience pain from the incident. A review of Mr. Burney's medical records indicated that he had no prior history of neck or back problems.

Mr. Burney's out-of-pocket medical expenses amounted to $130,291.27. Future medical expenses may also accrue, including for follow-up appointments and possible future surgical intervention.

The parties have participated in settlement negotiations and have agreed upon the settlement amount of $300,000, subject to approval from the Metropolitan Council. The settlement would include a dismissal with prejudice of all claims against the Metropolitan Government and any Metro affiliate. The Department of Law

recommends settlement of Mr. Burney's personal injury claim for $300,000.

The officer involved received a written reprimand following this incident.

Fiscal Note: The total settlement amount is $300,000.00. This settlement along with Resolution No. RS2025-1369, RS2025-1372 and RS2025-1373 would be the 1st, 2nd, 3rd and 4th payments, after approval by Metropolitan Council, from the Self-Insured Liability Fund in FY26 for a cumulative total of $445,194. The fund balance would be $10,946,658 after these payments.