

RESOLUTION NO. RS2018-1167 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Tank Maxwell Saunders, a minor, by his mother Shetika Goode against the Metropolitan Government in the amount of \$150,000.

In the summer of 2014, Tank Maxwell Saunders, age 7, participated in a Metro Parks summer youth program at Napier Community Center together with his two sisters. Tank is a special needs child with autism, developmental delays, and ADHD. Ms. Goode did not disclose that Tank had any medical problems of which the staff should be aware on a Youth Patron Information Form. The form did not ask whether the child had permission to swim (though the form has since been changed). Participants of the program had the option to swim in the pool twice per week, but unless a participant passed a swim test, he or she had to stay in certain areas of the pool.

Ms. Goode maintains that she told Metro Parks employees, including the program director Dewayne Williams, that Tank did not have permission to swim because of his special needs and inability to swim. On July 7, 2014, Tank's older sister packed his swimsuit without her mother's knowledge and knowing that her mother did not want Tank to swim. Three Red Cross-certified lifeguards were on duty that day, and Mr. Williams went swimming with program participants. Mr. Williams and a lifeguard saw Tank face-down at the bottom of the pool, whereupon he was pulled out of the water. One of the lifeguards called 911 and emergency responders transported Tank to Vanderbilt Children's Hospital.

Tank was treated for his injuries, including difficulty breathing on his own, which required emergency intubation and hospitalization for over one week in Pediatric Intensive Care. An MRI to check for anoxic brain injury revealed that he did not suffer permanent brain damage. Ms. Goode has agreed to accept a total of \$150,000 in full settlement of this case, based upon \$133,800.53 for reimbursement of Tank's medical expenses plus \$16,199.47 for pain and suffering.

The Department of Law recommends settlement of this claim for \$150,000.

The employee involved, Mr. Williams, resigned in January 2015. He was arrested in October 2014, after Tank's near drowning, and pleaded guilty to sexual exploitation of a minor and solicitation of a minor. These charges involved Tank's 15-year old sister and another underage female.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$150,000.