

RESOLUTION NO. RS2018-1255 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Lurita Clay against the Metropolitan Government in the amount of \$6,500.

On November 14, 2017, Ms. Clay tripped and fell on a metal grate while walking on the sidewalk in front of 333 Commerce Street. An inspection revealed that the metal grate surrounding the removed tree had been partially covered with a wooden board that was not properly secured. Due to the condition of the metal grate and wooden board, and the high foot traffic in the area, it is possible Metro had constructive notice of a dangerous condition and is therefore liable.

Ms. Clay sought treatment for pain in her lower hip area and was diagnosed with a coccygeal (tailbone) contusion. She has agreed to accept a total of \$6,500 in full settlement of this case, based upon \$6,256.97 for reimbursement of her medical expenses plus \$243.03 for pain and suffering.

The Department of Law recommends settlement of this claim for \$6,500.

Fiscal Note: This settlement would reduce the balance of the Self-Insured Liability Fund by \$6,500.