

RESOLUTION NO. RS2018-1327 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Terri White against the Metropolitan Government in the amount of \$100,000.

On February 10, 2015, a Metro Action Commission (MAC) school bus stopped at a red light on a hill at the intersection of Dellway Villa Road and Dickerson Road. The MAC bus rolled into a bus owned and operated by Grayline, a private company. There were children on both buses at the time of the accident. Ms. White was a MAC bus monitor on the bus at the time of the accident.

Ms. White was transported by ambulance and sought treatment for left ankle and shoulder pain. She was diagnosed with an Achilles tear and underwent surgery and physical therapy to repair her ankle. After about one year of physical therapy, the orthopedic surgeon concluded that she has reached maximum medical improvement. Her medical costs totaled \$72,088.44. She testified that she continues to feel pain in her foot that negatively impacts her daily activities and enjoyment of life. Ms. White has agreed to accept a total of \$100,000 in full settlement of this case.

The Metropolitan Government could be found liable if this case goes to trial because the driver of the MAC bus was acting within the course and scope of his employment. The Tennessee Governmental Tort Liability Act places a cap on such claims at \$100,000. The Department of Law recommends settlement of this claim for \$100,000. (Grayline would separately settle Ms. White's claim for \$7,500, for a total combined amount of \$107,500.)

Fiscal Note: This \$100,000 settlement, along with the settlements per Resolution Nos. RS2018-1324, -1325, and -1326, would be the fourth through seventh payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$312,500. The fund balance would be \$4,532,674 after these payments.