

**RESOLUTION NO. RS2018-1366** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claim of Melissa Harris against the Metropolitan Government in the amount of \$200,000.

On January 1, 2015, Ms. Harris and her fiancé were attempting to hail a cab near the corner of Fifth Avenue North and Church Street. Unable to hail a cab, they began walking east along Church Street toward Fourth Avenue. Ms. Harris tripped on the sidewalk and fell face-first into low decorative landscape fencing that surrounding a planter box.

Prior to the fall, a Metro employee had painted yellow lines on portions of the sidewalk near the intersection of Fifth Avenue and Church Street. The lines marked portions of the sidewalk that were uneven. Repair work was eventually completed on those portions, but the work occurred after Ms. Harris fell.

Ms. Harris sought treatment for a traumatic eye injury but she eventually lost the use of her right eye. Ms. Harris has agreed to accept a total of \$200,000 in full settlement of this case, based upon \$140,000 for reimbursement of her medical expenses plus \$35,000 in lost wages and \$25,000 for pain and suffering.

Under Tenn. Code Ann. § 29-20-203, Metro can be held liable for injuries caused by a dangerous or defective condition if it is shown that Metro had either actual or constructive notice of the condition. Because the sidewalk had been marked for repairs, it is likely that Metro would be found to have had knowledge that the sidewalk was in a defective condition. The Department of Law recommends settlement of this claim for \$200,000.

*Fiscal Note: This \$200,000 settlement, along with the settlement(s) per Resolution No. RS2018-1365, would be the eighth and ninth payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$519,750. The fund balance would be \$4,277,389 after these payments.*