

**RESOLUTION NO. RS2018-1429** (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claims of Connie Morris and Elmer Morris against the Metropolitan Government in the amount of \$190,000.

On the evening of June 18, 2014, Connie Morris was walking southbound on 6th Avenue North approaching Church Street. As she was walking with friends, she tripped and fell over a lamp post base with metal support brackets sticking up. As a result of the fall, Ms. Morris sustained injuries to her wrists and knees. Nashville Electric Service (NES) had removed the lamp post in November 2013 at the direction of the Metro Public Works. NES informed Public Works that the lamp post was removed and that Public Works needed to complete repairs to the base and conduit before NES could reinstall the lamp post. NES's downtown foreman testified that the standard practice for removing a lamp post base was to secure wiring, place a cone over the base, and bolt the cone down. A Public Works employee testified, however, that cones are not always secured; instead the normal procedure was to simply place a cone over the base, and that often cones go missing.

Ms. Morris sustained fractures to her wrists and her left knee cap. She underwent surgery on her left wrist, including insertion of hardware, days after the injury and required continued treatment and extensive physical therapy from June 2014 until December 2014. Her husband, Elmer Morris, asserted a loss of consortium claim. Ms. and Mr. Morris have agreed to accept a total of \$190,000 in full settlement of this case, including \$99,489.32 in medical expenses related to treatment of her injuries.

It is anticipated that the Court will find that the lamp post was a tripping hazard and an unreasonably dangerous condition. It could be determined that it was not reasonable for Metro to rely on a cone as an adequate warning device, particularly if it was unsecured, because it was foreseeable that the cone would go missing over a six month period. While fault could be attributed to Ms. Morris, as there were visual cues and illumination in the area of the lamp post base, it is likely to be less than the 50% threshold to bar Ms. Morris's claims. The Department of Law recommends settlement of this claim for \$190,000.

*Fiscal Note: This \$190,000 settlement would be the eleventh payment from the Self-Insured Liability Fund in FY19 for a cumulative total of \$723,500. The fund balance would be \$5,257,009 after this payment.*