

RESOLUTION NO. RS2018-1488 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury claims of Dan and Sandy Feltner against the Metropolitan Government in the amount of \$175,000.

On March 12, 2016, a Metropolitan Nashville Police Department officer was driving an unmarked police car north on 16th Avenue toward Broadway when he received a call regarding a person with a gun located near Church Street. The officer stopped at a red light at the intersection of 16th Avenue and Broadway. The officer activated his lights and sirens before entering the intersection and through the red light while responding to the call. Mr. and Mrs. Feltner were passengers in a taxi traveling westbound on Broadway. The officer testified that he was unable to see the taxi due to a large truck. The driver of the taxi also testified that he was unable to see the officer due to a large truck. The taxi collided with the officer's vehicle in the intersection.

Mr. Feltner was thrown to the floor of the taxi upon impact, hit his head, and was knocked unconscious. He was treated at St. Thomas Hospital, then Vanderbilt Medical Center for a traumatic brain injury and multiple facial fractures. He did not require surgery but was monitored at the hospital for two days. After his release from the hospital in Nashville, Mr. Feltner returned home to Kentucky. At home, he experienced drainage from his nose and sought further treatment at the emergency room, where it was determined to be spinal fluid and required a lumbar puncture. The procedure was successful. Mr. and Ms. Feltner have agreed to accept a total of \$175,000 in full settlement of this case, based upon \$100,683.00 for reimbursement of Mr. Feltner's medical expenses, plus \$74,317.00 for pain and suffering and Mrs. Feltner's loss of consortium claim.

The Metro Government is responsible for any negligence on the part of a Metro employee acting within the scope of employment pursuant to the Tennessee Governmental Tort Liability Act. (Tenn. Code Ann. § 29-20-205). The Department of Law recommends settlement of this claim for \$175,000. The taxi driver has agreed to contribute his insurance policy limit of \$50,000 to settle the Feltner's claims against him. It is anticipated that if this case were to proceed to trial, the Feltner's damages could total between \$450,000 and \$550,000.

No disciplinary action was taken against the officer.

Fiscal Note: This \$175,000 settlement, along with the settlement per Resolution No. RS2018-1489, would be the sixteenth and seventeenth payments from the Self-Insured Liability Fund in FY19 for a cumulative total of \$989,552.87. The fund balance would be \$4,530,639 after these payments.