

RESOLUTION NO. RS2018-1489 (VERCHER) – This resolution would authorize the Department of Law to settle the personal injury and property damage claims of Roger Gordon and Dahlia McLeod against the Metropolitan Government in the amount of \$28,777.87.

On September 5, 2014, Ms. McLeod was stopped in northbound traffic on Gallatin Pike at a traffic light near the intersection of West Eastland Avenue. When the light changed, Ms. McLeod moved forward behind another vehicle which she submits suddenly stopped. Ms. McLeod in turn stopped, but was struck from behind by a Metro vehicle operated by a Metro Public Works employee. Both Ms. McLeod and her passenger, Mr. Gordon, were injured in the accident.

Ms. McLeod sought treatment for neck and back pain and was diagnosed with a cervical sprain. She received a five percent whole body impairment rating. Mr. Gordon also sought treatment for back and neck pain and received a five percent whole body impairment rating. Ms. McLeod and Mr. Gordon have agreed to accept a total of \$28,777.87 in full settlement of this case, which includes \$6,892.30 for reimbursement of Ms. McLeod's medical expenses, \$4,970.00 for reimbursement of Mr. Gordon's medical expenses, plus \$1,777.87 for the property damage to Ms. McLeod's vehicle.

The Metro Government would be responsible for any negligence on the part of the Public Works employee pursuant to the Tennessee Governmental Tort Liability Act. (Tenn. Code Ann. §§ 29-20-202 and 29-20-205). The Department of Law recommends settlement of this claim for \$28,777.87.

Disciplinary action against the employee consisted of a written reprimand.

Fiscal Note: This \$28,777.87 settlement, along with the settlement per Resolution No. RS2018-1488, 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.