

## ACT 244 - 2025

### BOARD OF LEGISLATORS COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1 -10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fees, as well as a Request for authorization to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

This first matter is pending in the Westchester County Supreme Court before the Honorable Alexandra D. Murphy. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$5,000,000.00 inclusive of attorney's fees.

Craig Bernhardt Esq. and Daniel Hunter, Esq. of Herman Law, 434 W. 33<sup>rd</sup> Street Penthouse, New York, New York 10001, are representing the plaintiff, Joseph Paladino.

Kelly A. Hodges, Esq. and Benjamin Pucci, Esq. of Darger Errante Tavitz & Blau LLP, 116 E. 27<sup>th</sup> Street, 12<sup>th</sup> Floor, New York, New York 10016 is representing the County of Westchester.

This matter arises in the context of The Child Victim's Act ( the "CVA"). The legislation was enacted in 2019 and allowed for victims of childhood sexual abuse to file lawsuits despite expired statutes of limitations. In this case, the plaintiff alleges that between 1980 and continuing through 1984 he was sexually abused by John Baterbury, while plaintiff was a resident at Lakeside School and St. Dominic's Children's Home, during overnight weekend visits at Baterbury's home and other locations. Plaintiff claims he told a nun and two counselors from St. Dominic's Children's Home about the abuse he sustained but the visits continued. Plaintiff claims that the County had a non-delegable duty to provide for his safety and that the County sat "in loco parentis" and as such the County is ultimately responsible for his care. The County has denied having any knowledge of the sexual abuse allegations. The Plaintiff argued, and a jury would likely have believed, that the County was negligent in its supervision of Lakeside School and St. Dominic's Children's Home and that the County's negligence was the proximate cause of his injuries and resulting damages.

The settlement takes into consideration the likelihood of an adverse verdict, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC.

f/k/a LAKESIDE SCHOOL; and DOES 1-10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fees.

The second matter arises out of an insurance contract between the County and Liberty Mutual Insurance Company ("Liberty") for the defense and indemnification of the County under insurance policies issued for 1982 through 1984. At the outset of the Paladino litigation (the "underlying" case), the County demanded Liberty cover the cost of the defense of the litigation and indemnify the County for any settlement or judgment ordered against the County, pursuant to the terms and conditions of the insurance contracts. Liberty accepted the County's demand under reservation of rights and agreed to cover the cost of the defense of the County in the litigation and reserved the right to refuse to pay for or contribute to a settlement or judgment in resolution of the matter. Liberty has yet to make a final determination regarding its decision to provide insurance coverage to the County.

The County, through this office, will continue to seek a resolution to the claim. However, if a satisfactory resolution cannot be obtained with Liberty, litigation will be necessary.

In order to protect the County's interests, authority to commence an action against Liberty, and any other party as may be necessary and appropriate to enforce the County's rights, is recommended.

Therefore, I am respectfully requesting that this Honorable Board pass the accompanying Act authorizing the County to initiate all legal action, if necessary, including, but not limited to, third-party claims, cross-claims, and/or counterclaims on behalf of the County, as may be necessary against Liberty Mutual Insurance Company, and/or all other

parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance contracts with Liberty and to obtain appropriate insurance coverage under the policies

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to settle the lawsuit entitled JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1 -10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's;

and to authorize the County to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

November 10, 2025

Colin O'Neil

Self

James J. Williams Jr.

Donald J. Tubro

sent on

Yankee Ban

Redat John

Colin O'Neil

sent on

Yankee Ban

Redat John

COMMITTEE ON

Budget & Appropriations

Law & Major  
Contracts

ACT NO. 244 - 2025

AN ACT authorizing the County Attorney to settle the lawsuit of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1-10 in Supreme Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fee and to authorize the County to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. The County Attorney is authorized to settle the lawsuit of JOSEPH PALADINO f/k/a JEFFREY PALADINO v ARCHDIOCESE OF NEW YORK, ST. DOMINIC'S FAMILY SERVICES f/k/a ST. DOMINIC'S HOME FOR CHILDREN a/k/a ST. DOMINIC'S HOME; SISTERS OF ST. DOMINIC'S OF BLAUVELT NEW YORK; DOMINICAN FRIARS PROVINCE OF ST. JOSEPH; CATHOLIC CHARITIES OF THE ARCHDIOCESE OF NEW YORK; WESTCHESTER COUNTY; LAKESIDE FAMILY AND CHILDREN'S SERVICES, INC. f/k/a LAKESIDE SCHOOL; and DOES 1-10 in Supreme

Court Westchester County, Index No. 58180/2021, in the amount of \$5,000,000.00, inclusive of attorney's fees;

and to commence an action against Liberty Mutual Insurance Company and/or other parties deemed responsible as may be necessary and appropriate to enforce the terms and conditions of the insurance policy between the County and Liberty Mutual and to obtain partial indemnification for the loss incurred in the above referenced matter.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Paladino, Joseph

☐ NO FISCAL IMPACT PROJECTED

## OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

### SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

### SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ 5,000,000

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☒ Other (explain)

Identify Accounts: 6N Fund: 615 59 0510 1050 4280 04

Funding Year 1986

Potential Related Operating Budget Expenses:

Annual Amount N/A

Describe: Public Official Liability Settlement of Paladino, Joseph G860210

Potential Related Operating Budget Revenues:

Annual Amount N/A

Describe:

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Jane Hogan-Felix

Title: Assistant Chief Deputy County Attorney

Department: Law

Date: October 14, 2025

Reviewed By: PH

Budget Director

Date: 10/15/25



STATE OF NEW YORK            )  
  )  
WESTCHESTER COUNTY        )    ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 244 - 2025, with the original on file in my office, and that the same is a correct transcript therefrom, and of the whole, of the said original Act, which was duly adopted by the County Board of Legislators, of the County of Westchester on November 17, 2025, and approved by the County Executive on November 19, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 19<sup>th</sup> day of November, 2025.

*Malika Vanderberg*

Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

