

# Westchester County

George Latimer  
County Executive

September 10, 2024

Office of the County Attorney

John M. Nonna  
County Attorney

Westchester County Board of Legislators  
County of Westchester  
800 Michaelian Office Building  
148 Martine Avenue  
White Plains, New York 10601

Re: Request for authorization to settle the lawsuit of Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph k. Spano and John Does 1-10 in Supreme Court Westchester County, Index No. 52515/2020, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees.

Dear Honorable Members of the Board:

Attached for your consideration is an Act, which if enacted by your Board, would authorize the settlement of the lawsuit of Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph k. Spano and John Does 1-10, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Lewis Lubell. Judge Lubell conducted two settlement conferences over three months, in an attempt to bring the parties to an agreed upon settlement, which included a meeting with the plaintiffs themselves. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$5,000,000.00. Plaintiff, Robert Reed, would receive \$3,000,000.00 and the Plaintiff, Nicole Nazario, would receive \$2,000,000.00, inclusive of attorney's fees.

Meiowitz & Wasserberg, 332 East 149<sup>th</sup> Street, Suite 201, Bronx, New York 10451, are representing the plaintiffs, Robert Reed and Nicole Nazario.

Plaintiffs claim that Correction Officer Edward Quinoy used a firearm that he was licensed to carry through his status as a Westchester County Correction Officer, to shoot plaintiffs on December 7, 2018. Reed, Nazario and Quinoy were employed by Westchester County, as Correction Officers, at the time of the shooting. Plaintiffs claim that Quinoy broke into Reed's mother's home on the night of the shooting and fired shots at them while motivated by jealousy over Nazario's breakup with Quinoy. After the shooting Quinoy shot himself in the

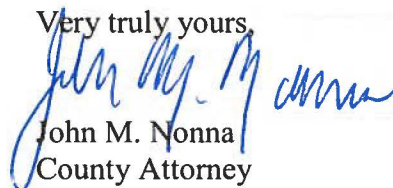


head resulting in his death. Plaintiff Reed, suffered nine gunshot wounds to the torso, hand and shoulder resulting in injuries to his right hand, arm, both lungs, chest, liver, stomach and pancreas. Plaintiff Nazario, suffered three gunshot wounds to the stomach, face, right cheek and ear resulting in fractures to the mandibular, zygomatic and orbital facial bones. Both Plaintiffs were hospitalized for an extended period of time, required corrective surgeries and received extensive rehabilitative services. Further, both plaintiffs claim to suffer from post-traumatic stress disorder.

Plaintiffs claim that Quinoy had a propensity for violence and that the County was aware of the claimed propensity and failed to investigate such allegations. Plaintiffs claim retired Correction Officer Smith reported to WCDOC Special Investigations Unit, allegations that Quinoy had a history of domestic violence and threatened to shoot Officer Smith's daughter and take his own life. Plaintiffs claim that the County failed to conduct any investigation into the reported allegations. Plaintiffs further claim that had the County investigated the domestic violence claims, Quinoy's license to carry a weapon would have been suspended and he would have been disciplined. Finally, Plaintiffs claim that it was the County's failure to take appropriate corrective measures with respect to Quinoy that was the proximate cause of the plaintiffs' injuries. The County has denied these allegations.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, the exposure to a substantial jury verdict, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled of Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph k. Spano and John Does 1-10, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees.

Very truly yours,



John M. Nonna  
County Attorney

JMN/jhf

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 Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph k. Spano and John Does 1-10, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees.

This This matter is pending in the Westchester County Supreme Court before the Honorable Lewis Lubell. Judge Lubell conducted two settlement conferences over three months, in an attempt to bring the parties to an agreed upon settlement, which included a meeting with the plaintiffs themselves. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$5,000,000.00. Plaintiff, Robert Reed, would receive \$3,000,000.00 and the Plaintiff, Nicole Nazario, would receive \$2,000,000.00, inclusive of attorney's fees.

Meiowitz & Wasserberg, 332 East 149<sup>th</sup> Street, Suite 201, Bronx, New York 10451, are representing the plaintiffs, Robert Reed and Nicole Nazario.

Plaintiffs claim that Correction Officer Edward Quinoy used a firearm that he was licensed to carry through his status as a Westchester County Correction Officer, to shoot plaintiffs on December 7, 2018. Reed, Nazario and Quinoy were employed by Westchester County, as Correction Officers, at the time of the shooting. Plaintiffs claim that Quinoy broke into Reed's mother's home on the night of the shooting and fired shots at them while motivated

by jealousy over Nazario's breakup with Quinoy. After the shooting Quinoy shot himself in the head resulting in his death. Plaintiff Reed, suffered nine gunshot wounds to the torso, hand and shoulder resulting in injuries to his right hand, arm, both lungs, chest, liver, stomach and pancreas. Plaintiff Nazario, suffered three gunshot wounds to the stomach, face, right cheek and ear resulting in fractures to the mandibular, zygomatic and orbital facial bones. Both Plaintiffs were hospitalized for an extended period of time, required corrective surgeries and received extensive rehabilitative services. Further, both Plaintiffs claim to suffer from post- traumatic stress disorder.

Plaintiffs claim that Quinoy had a propensity for violence and that the County was aware of the claimed propensity and failed to investigate such allegations. Plaintiffs claim retired Correction Officer Smith reported to WCDOC Special Investigations Unit, allegations that Quinoy had a history of domestic violence and threatened to shoot Officer Smith's daughter and take his own life. Plaintiffs claim that the County failed to conduct any investigation into the reported allegations. Plaintiffs further claim that had the County investigated the domestic violence claims, Quinoy's license to carry a weapon would have been suspended and he would have been disciplined. Finally, Plaintiffs claim that it was the County's failure to take appropriate corrective measures with respect to Quinoy that was the proximate cause of the plaintiffs' injuries. The County has denied these allegations.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. The accompanying Act will authorize settlement of the lawsuit entitled Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph k. Spano and John Does

1-10, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees.

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 Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph k. Spano and John Does 1-10, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2024

COMMITTEE ON

ACT NO. -2024

AN ACT authorizing the County Attorney to settle the lawsuit of Robert Reed and Nicole Nazario v The County of Westchester, Westchester County Department of Corrections, Commissioner Joseph K. Spano and John Does 1-10, Westchester County Supreme Court Index No. 52515/2020, in the amount of \$3,000,000.00 for Robert Reed and \$2,000,000.00 for Nicole Nazario for a total settlement of \$5,000,000.00, inclusive of attorney's fees

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 Robert Reed and Nicole Nazario v. The County of Westchester, Westchester County Department of Correction, Commissioner Joseph k. Spano and John Does 1-10, Westchester County Supreme Court Index No. 52515/2020, in the amount of \$3,00,000.00 for Robert Reed and \$2,000,000.00 Nicole Nazario, for a total settlement of \$5,000,000.00, inclusive of attorney's fees.

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: Reed & Nazario  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 0698 4250 4280 04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of Public Official Liability Claim G180242

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: Deputy County Attorney

Department: Law

Date: September 5, 2024

Reviewed By: 

Budget Director

Date: 9/6/24