

ACT 39 - 2023

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 Kim Golodetz v County of Westchester et al., in the amount of \$405,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Nancy Quinn Koba. The lawsuit tentatively settled after a verdict on liability, pending this Board's approval of a settlement in the amount of \$405,000.00, inclusive of attorney's fees.

Glenn A. Herman, Esq. of Herman & Herman, P.C., 589 8<sup>th</sup> Avenue, 21<sup>st</sup> Floor, New York New York 10018, is representing the plaintiff, Kim Golodetz.

This lawsuit arises out of a bicycle accident on the North County Trailway on April 7, 2019 at approximately 12:40 pm. The plaintiff was travelling north on the trailway when she rode over what she claimed was an unexpected bump and was thrown from her bicycle. At trial plaintiff claimed that the County was negligent for failing to repair the bump despite having notice that another cyclist claimed to have fallen over the identical bump 10 months prior to the plaintiff's accident. The County argued that the bump was not dangerous and that the plaintiff assumed the risk of injury when she voluntarily engaged in cycling on the North County Trailway despite warning signs that there were uneven surfaces. At the conclusion of the liability phase of a bifurcated trial, the jury returned a verdict finding both parties negligent and responsible for the accident. The County was found to be 56% percent responsible and the plaintiff was found to be 44% responsible. The matter settled before the damages phase of the trial where the plaintiff would have presented evidence that, as a result of the accident, she suffered a fractured shoulder requiring surgery. She claims she engaged in physical therapy for

over a year and still suffers from pain and limited range of motion. She alleges that she will require a second surgery to remove the hardware that was put in place during the first surgery because the hardware is causing her to suffer pain.

The settlement takes into consideration the liability findings of the jury, 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 of Kim Golodetz v County of Westchester et al, in the amount of \$405,000.00, Westchester County Supreme Court Index No. 61047/2019, 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 Kim Golodetz v County of Westchester et al., in the amount of \$405,000.00, Westchester County Supreme Court Index No. 61047/2019, 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

February 6<sup>th</sup>, 2023

*Dora I. Iuliano*  
*Robert J. ...*  
*Nancy ...*  
*Paul ...*  
*...*  
*...*  
*...*

*Robert J. ...*  
*Nancy ...*  
*...*

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: February 6, 2023  
White Plains, New York

**The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.**

*Colin J. Smith*

*Catherine F. Parker*

*Colin J. Smith*

*Catherine F. Parker*

**COMMITTEES ON**

Budget & Appropriations

Law & Major Contracts

ACT NO. 39 -2023

AN ACT authorizing the County Attorney to settle the lawsuit of Kim Golodetz v County of Westchester, et al. Westchester County Supreme Court Index No. 61047/2019, in the amount of \$405,000.00, 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 Kim Golodetz v. County of Westchester, et al. Westchester County Supreme Court Index No. 61047/2019, in the amount of \$405,000.00, 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: Kim Golodetz  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 \$ 405,000

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 0699/4310 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim (BI) G190034 Golodetz, Kim

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: \_\_\_\_\_

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

Current Year: N/A

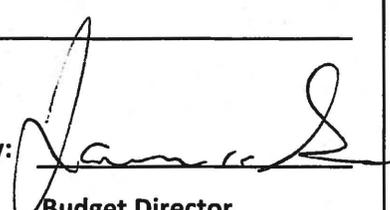
Next Four Years: N/A

Prepared by: Jane Hogan felix

Title: Associate County Attorney

Department: Law

Date: January 5, 2023

*JH*  
Reviewed By:   
Budget Director  
Date: 1/5/23

STATE OF NEW YORK            )  
                                          )    ss.  
WESTCHESTER COUNTY        )

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 39 - 2023, 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 February 6, 2023, and approved by the County Executive on February 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 7<sup>th</sup> day of February, 2023.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

