

Law & Major Contracts

Meeting Agenda



Committee Chair: David Imamura

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, November 10, 2025

10:00 AM

Committee Room

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website:

<https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

Monday, October 6, 2025 at 1:00 p.m.

I. ITEMS FOR DISCUSSION

1. [2025-454](#) ACT - Lawsuit Settlement of Paladino v. Archdiocese of NY

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 the amount of FIVE MILLION (\$5,000,000) DOLLARS, inclusive of attorney's fees 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.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: Law Dept.: Assistant Chief Deputy County Attorney Jane Hogan-Felix and Deputy County Attorney Taryn Langrin Chapman

2. [2025-410](#) ACT - Lawsuit Settlement of Mack v. Westchester County

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Leonard Mack v.

Westchester County in the amount of THREE HUNDRED, FORTY-ONE THOUSAND, TWO HUNDRED FIFTY (\$341,250) DOLLARS, inclusive of attorney's fees.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guests: Law Dept.: Senior Assistant County Attorney Annemarie Stepancic and Senior Assistant County Attorney Mark Gardner; Lalit Loomba, Esq.

II. OTHER BUSINESS

III. RECEIVE & FILE

1. [2025-435](#) CLERK OF THE BOARD: Quarterly Update for Special Prosecutors

Forwarding a quarterly update for appointments and payments of special prosecutors.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

ADJOURNMENT



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

October 14, 2025

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 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.

Re: 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.

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 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.

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601
westchestercountyny.gov

Telephone: (914) 995-2600

Website:

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.

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. 33rd 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. 27th Street, 12th 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 have likely 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

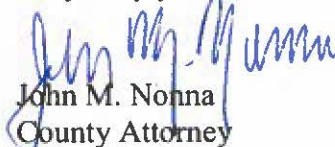
to the terms and conditions of the insurance contracts. Liberty accepted the County's demand under reservation of rights and agreed to cover the cost of the defense of the County in the litigation and reserved the right to refuse to pay for or contribute to a settlement or judgment in resolution of the 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.

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 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. 33rd 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. 27th Street, 12th 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

, 2025

COMMITTEE ON

ACT NO. -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

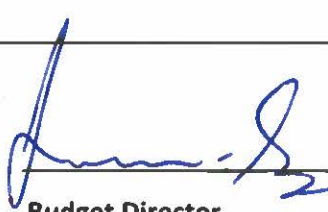
Next Four Years: N/A

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



Kenneth W. Jenkins
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

September 10, 2025

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 Leonard Mack v. Westchester County, et al. in the United States District Court for the Southern District of New York, in the amount of \$341,250., 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 entitled, *Leonard Mack v. Westchester County, et al.*, Case No. 7:24-cv-08990-KMK, against the County of Westchester, Officer Carol Kope, and Roger Stillman, as Administrator of the Estate of Marie Felgenhauer; and against the Town of Greenburgh, Officer John Schachinger, James Fleming, III as the Administrator of the Estate of James Fleming, Jack Roe 1, as the Administrator of the Estate of Robert Willard, Jack Roe 2, as the Administrator of the Estate of Gerrard Holley, and Jack Roe 3, as the Administrator of the Estate of Raphael Garofano.

The County defendants are the County of Westchester, Officer Carol Kope, Roger Stillman, as Administrator of the Estate of Marie Felgenhauer, and James Fleming, III as the Administrator of the Estate of James Fleming. The lawsuit continues against the remaining defendants, all of which are the Town of Greenburgh and its employees. A settlement has been reached to protect the County of Westchester from further liability regarding the claims still pending against the Greenburgh defendants.

Commercial general liability insurance policies issued to the County in 1975 will cover most of the settlement for this lawsuit. The total amount of the settlement to be recovered from the insurance companies will be \$11,658,750. The total amount due from the County for the settlement is \$316,250, inclusive of attorney's fees, because of insurance companies that became insolvent and were liquidated prior to the commencement of the plaintiff's lawsuit. There is also a \$25,000. self-insured retention due for the primary insurance policy applicable to the plaintiff's claim, so the total amount payable by the County is \$341,250.

Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Telephone: (914) 995-2600

Website: westchestercountyny.gov

This matter is pending in the United States District Court for the Southern District of New York. The law firm of Neufeld, Scheck, Brustin, Hoffmann & Freudenberger, 200 Varick Street, Suite 800, New York, New York is representing the plaintiff. The Quinn Law Firm, 399 Knollwood Road, Suite 220, White Plains, New York, is representing the County.

The matter tentatively settled on June 27, 2025 pending this Board's approval of a settlement in the amount of \$341,250, inclusive of attorney's fees.

This matter arises out of a lawsuit that alleges, among other things, that Leonard Mack was arrested on May 22, 1975 for an attack on two teenaged girls, and thereafter was wrongfully convicted in connection with the attack and a rape of one of the teenage girls. As a result of this wrongful conviction, Mack was subsequently incarcerated from May 1975 to December 1982. However, in 2022, new DNA testing that did not exist in 1975 established conclusively that Mack was not the rapist. A search of a law enforcement DNA database identified the actual perpetrator of the crime. The perpetrator has since admitted his responsibility for the crime and that he acted alone. Consequently, on September 5, 2023, a court granted a motion to vacate Mack's conviction and dismissed the indictment.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal as well as the potential for any future claims against the County defendants by the Greenburgh defendants. Both outside counsel and our insurance companies recommend this settlement.

The accompanying Act will authorize settlement of the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, on behalf of the County defendants in the amount of \$341,250, inclusive of attorney's fees, to be paid by the County.

Very truly yours,



John M. Nonna
County Attorney

JMN/mg

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 County's potential liability in the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

This matter is pending in the United States District Court for the Southern District of New York. The matter tentatively settled on June 27, 2025 pending this Board's approval of a settlement in the amount of \$341,250, inclusive of attorney's fees.

This matter arises out of a lawsuit that alleges, among other things, that Leonard Mack was arrested on May 22, 1975 for an attack on two teenaged girls, and thereafter was wrongfully convicted in connection with the attack and a rape of one girl, and as a result was subsequently incarcerated from May 1975 to December 1982. However, in 2022, as a result of DNA testing that did not exist in 1975, DNA testing established conclusively that Mack was not the rapist. A search of a law enforcement DNA database identified the actual perpetrator of the crime; that perpetrator has since admitted his responsibility for the crime and that he acted alone. Consequently, on September 5, 2023, a court granted a motion to vacate Mack's conviction and dismissed the indictment.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal, as well as the potential for any future claims against the County defendants by the Greenburgh defendants. Both outside counsel and our insurance companies recommend this settlement.

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, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, 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
, 2025

COMMITTEE ON:

ACT NO. -2025

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, 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 entitled Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, 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:Mack, Leonard

☐ 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 \$ 341,250

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

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Public Official Liability Settlement of Mack, Leonard G860219

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

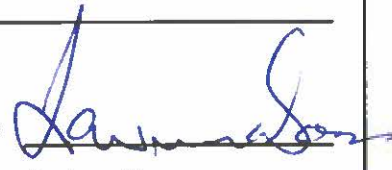
Next Four Years: N/A

Prepared by: Mark L Gardner

Title: Senior Assistant County Attorney

Department: Law

Date: September 10, 2025

Reviewed By: 

Budget Director

Date: 9/11/25



Kenneth W. Jenkins
County Executive

Office of the County Attorney
John M. Nonna
County Attorney

October 1, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue, 8th Floor
White Plains, New York 10601

Dear Honorable Members of the Board:

Enclosed, pursuant to Act 77-2025, is the quarterly update for appointments and payments of special prosecutors.

Sincerely,

A handwritten signature in blue ink, appearing to read "John M. Nonna".

John M. Nonna
County Attorney

APPOINTMENTS AS OF OCTOBER 1, 2025

Attorney/Firm	Number of Cases Assigned	Amount Authorized to Date
Andrew Rubin	1	
Courtney McGowan	1	
Tobin, Bernardon & Wazny, LLP	19	\$ 30,600.00
James Byrne	2	
Jeffrey A. Cohen	1	
Lisa Colosi Florio	1	
Jeffrey Gasbarro	1	
Joshua D. Martin	2	
Kevin Kennedy	1	
Mark J. Fitzmaurice	1	
Matthew Montana	1	
Michael Borrelli	10	\$ 3,440.00
Patsy Bonanno	2	
Rachel J. Filasto	1	
Stefanie Denise	5	\$ 28,466.44
Michael J. White	1	
Richard Ferrante	2	
Anthony Mattesi	1	
Bronx County District Attorney's Office	1	
Dutchess County District Attorney's Office	3	
Kings County District Attorney's Office	1	
Nassau County District Attorney's Office	2	
Orange County District Attorney's Office	4	
Putnam County District Attorney's Office	2	
Queens County District Attorney's Office	14	
Rockland County District Attorney's Office	5	
Suffolk County District Attorney's Office	3	