

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 Blerina Kastrati and Faik Bukleta as co-administrators of the Estate of Fatmire Kastrati v. Bee-Line Bus System, et al., in the amount of \$4,000,000.00 inclusive of attorney's fees.

This matter is pending in the Bronx County Supreme Court. The matter tentatively settled at mediation pending this Board's approval of a settlement in the amount of \$4,000,000.00, inclusive of attorney's fees. The County will pay the \$100,000.00 deductible pursuant to its insurance policy with New York Municipal Insurance Reciprocal (NYMIR) and NYMIR will pay the remaining \$3,900,000.00.

The Cakani Law Firm, 111 John Street, New York New York 10038, is representing the plaintiff. Maroney O'Connor has been assigned by NYMIR to represent Liberty Lines Inc. and the County of Westchester.

This matter arises out of a pedestrian knockdown accident which occurred on October 29, 2019, at approximately 8:15 p.m., at the intersection of Paul Avenue and West Bedford Park Blvd in the Bronx. The bus was traveling southbound on Paul Avenue and making a left turn on to West Bedford Park Blvd when it struck the decedent in the intersection.

The decedent was taken by ambulance to St. Barnabas Emergency Room where she was diagnosed with a subdual hematoma covering portions of the frontal, parietal and temporal lobes of the brain as well as facial fractures. She underwent surgery for a craniotomy and a tracheotomy. She was transferred to Helen Hayes Rehabilitation Facility where she received physical and occupational therapy and remained in a coma. She developed fever and infections and died on January 7, 2020. Evidence was disclosed during discovery that plaintiff felt pain while in a coma, from October 29, 2019 and January 7, 2020. The driver of the bus was criminally charged with failure to yield to a pedestrian, lost his license for 75 days, and was fined \$500.00.

The plaintiff will argue that the bus driver was negligent in his operation of the bus by failing to observe her in the intersection. The plaintiff will further argue that the bus driver's negligence was the proximate cause of her injuries.

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 Blerina Kastrati and Faik Bukleta as co-administrators of the Estate of Fatmire Kastrati v. Bee-Line Bus System, et al., in the amount of \$4,000,000.00 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 Blerina Kastrati and Faik Bukleta as co-administrators of the Estate of

Fatmire Kastrati v. Bee-Line Bus System, et al., in the amount of \$4,000,000.00 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

June 28, 2021.
Catherine Borgna

W. N. Moynihan
Catherine Parker

Vedat Jasari

Manuella Jan

Margaret A. Cijak

David J. Tubisto

Ruth Walter

Benjamin Boykoff

Budget & Appropriations

Joseph Williams

(A/E)

Colin O. Smith

Vedat Jasari

Manuella Jan

Margaret A. Cijak

Benjamin Boykoff

Benjamin Boykoff

COMMITTEE ON

Law & Major Contracts

ACT NO. -2021

AN ACT authorizing the County Attorney to settle the lawsuit of Blerina Kastrati and Faik Bukleta as co-administrators of the Estate of Fatmire Kastrati v. Bee-Line Bus System, et al. Bronx County Supreme Court Index No. 32184/2020, in the amount of \$4,000,000.00, 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 Blerina Kastrati and Faik Bukleta as co-administrators of the Estate of Fatmire Kastrati v. Bee-Line Bus System, et al., Bronx County Supreme Court Index No. 32184/2020, in the amount of \$4,000,000.00 inclusive of attorney's fees. The County will pay \$100,000.00 deductible pursuant to its insurance policy with NYMIR and NYMIR will pay the remaining \$3,900,000.00.

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: Settlmnt Kastrati v. Bee-Line et al.

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 \$ 100,000

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: 615 59 0699 4370 4420 (\$50,000); 615 59 0699 4370 4280 (\$50,000)

County Bus Liability Insurance Deductible

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: n/a

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: n/a

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

Current Year: n/a

Next Four Years: n/a

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: May 25, 2021

Reviewed By: 

Budget Director

Date: 5/26/21