

ACT 110 - 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 Etonya Bonds v. Westchester County, 19-cv-1712 (S.D.N.Y.), in the amount of \$100,000.00.

This matter is pending in the United States District Court for the Southern District of New York. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$100,000.00, inclusive of attorney's fees, at the second settlement conference. Frederick K. Brewington, Esq. of The Law Offices of Frederick K. Brewington, 556 Peninsula Blvd., Hempstead, NY is representing Plaintiff.

Plaintiff, who is a Sergeant at the Westchester County Department of Correction ("DOC") and has been employed by the DOC as an officer for more than twenty years, brought a federal action under the ADA against Westchester County and several employees of the DOC. She alleged that she is hearing-impaired and was discriminated against by the DOC as a result of her disability.

In her lawsuit, Plaintiff claimed that: (1) she requested accommodations for her disability that were not granted; (2) she was discriminated against as a result of her disability; and (3) she was retaliated against for requesting an accommodation and for filing a Complaint with the EEOC.

After the close of discovery, the parties participated in settlement conferences before the magistrate judge assigned to the case. After two lengthy settlement conferences, the parties agreed to settle the matter for \$100,000, inclusive of attorneys' fees (subject to the Board's approval). In light of the claims alleged and the issues of fact may preclude summary judgment, we recommend settling this action for \$100,000.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal and, in the event the Plaintiff is successful following a jury trial, the payment of Plaintiff's counsel'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 Etonya Bonds v. Westchester County, 19-cv-1712 (S.D.N.Y.) in the amount of \$100,000.00, 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 12<sup>th</sup>, 2023

Budget & Appropriations	Law & Major Contracts
<p>Leah Zilk John</p> <p>Maryann J. H.</p> <p>Ryan M. and Ann</p> <p>Cath Parker</p> <p>Sifa</p> <p>Vedat Jashi David Tubik</p>	<p>Maryann</p> <p>Ryan M.</p> <p>Cath Parker</p> <p>Vedat Jashi</p> <p>Ann</p>

# FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Bonds, Etonya  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: 6N Fund: 615 59 0697/4150 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim (Etonya Bonds G170240)

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: Loren Zeitler

Title: Senior Assistant County Attorney

Department: Law

Date: May 18, 2023

Reviewed By: 

Budget Director

Date: 5/19/23

ACT NO. 110 - 2023

AN ACT authorizing the County of Westchester to settle the lawsuit of Etonya Bonds v. Westchester County, 19-cv-1712 (S.D.N.Y.), in the amount of \$100,000.00, inclusive of attorney's fees

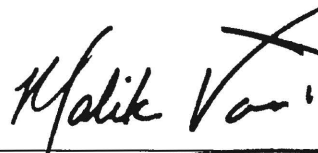
BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County Attorney is authorized to settle the lawsuit of Etonya Bonds v. Westchester County, 19 cv 1712 (S.D.N.Y.), in the amount of \$100,000.00, inclusive of attorney's fees.
2. The County Attorney or his designee is hereby authorized to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose hereof.
3. This Act shall take effect immediately.

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 110 - 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 June 20, 2023, and approved by the County Executive on June 21, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 22<sup>nd</sup> day of June, 2023.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

