

ACT 149 - 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 Roseanna Serratore against County of Westchester and Patricia O'Connell in the amount of \$1,999,999.00.

Plaintiff Roseanna Serratore ("plaintiff") alleges that on February 28, 2018, at approximately 6:00 p.m., she suffered physical injuries when, as a pedestrian, she was struck by a County owned and operated vehicle while in a marked crosswalk on Yonkers Avenue at its intersection with Kimball Avenue, City of Yonkers. The County vehicle was being operated by a County employee on duty at the time of the accident.

At a trial, plaintiff, 42 years old at the time of the accident, will argue that she suffered permanent physical injuries to her right shoulder and right knee, both requiring surgery, and her back and spine wherein she underwent surgical spinal fusion with discectomy, fusion, and permanently implanted titanium hardware. Plaintiff is permanently disabled from this accident and will most likely require future medical care and possible surgeries. Under these circumstances, a jury would likely find the County 100% liable for plaintiff's accident and injuries, leaving to a jury the issue of the evaluation of damages to be awarded.

Your Committee has carefully considered the subject matter, the settlement proposal, and the attached Act and recommends authorizing the County Attorney or his designee to settle this

lawsuit by payment to plaintiff in the amount not to exceed \$1,999,999.00, 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

July 31st, 2023

Henry Kelly Johns
Vedat Fashi
Zeynep
Maryam
Alan Park
Dr. M.
S.A.
Colin J. Smith

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COMMITTEE ON

1:jf

Budget &
Appropriations

Law & Major
Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Serratore-A18002NF 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 \$ 1,999,999

Total Current Year Revenue _____

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

Additional Appropriations

Other (explain)

Identify Accounts: 6N Fund- 615/59/0698/4220/4280/05

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: Serratore, Roseanna (A18002NF) Auto Liability Settlement

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

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

Current Year: _____

Next Four Years: _____

Prepared by: John Fico

Title: Associate County Attorney

Department: Law

Date: June 21, 2023

[Signature]
Reviewed By: _____

Budget Director

Date: 6/21/23

ACT NO. 149 - 2023

AN ACT authorizing the County Attorney to settle the lawsuit of Roseanna Serratore against County of Westchester and Patricia O'Connell, Supreme Court of the State of New York, Westchester County, Index No. 71145/2018

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

Section 1. The County Attorney is hereby authorized to settle the lawsuit of Roseanna Serratore against The County of Westchester and Patricia O'Connell in the amount of \$1,999,999 to plaintiff, inclusive of counsel fees.

Section 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 purposes hereof.

Section 3. This Act shall take effect immediately.

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 149 - 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 August 7, 2023, and approved by the County Executive on August 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 8th day of August, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

