

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

August 24, 2021

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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, 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 of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in the amount of \$400,000.00, inclusive of attorney's fees.¹

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees.

Brian Dratch, Esq., of Franzblau Dratch, P.C., 233 Broadway, Suite 1800, New York, New York 10279, is representing the plaintiff.

This matter arises out of an incident which occurred on January 3, 2018, at approximately 12:00 p.m., at the bus stop located at 7 Main Street, in the City of Yonkers. The plaintiff claims the bus door struck her in the face and body multiple times while she was attempting to exit the bus.

The plaintiff has a well-documented and extensive medical history after the incident. Following the current incident while exiting the bus, plaintiff underwent two surgeries. First, plaintiff underwent neck surgery to repair a metal plate in her neck which became dented as a result of being struck by the bus doors. Plaintiff's second surgery consisted of lumbar surgery,

¹ The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

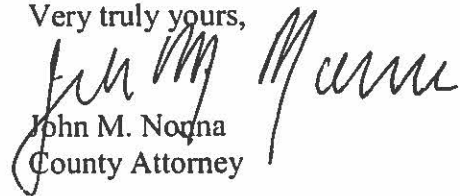


however plaintiff denies any relief since the surgery and claims her back and neck pain have become worse as a result of this incident.

The plaintiff will argue that the bus driver was negligent in their operation of the bus door. 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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in the amount of \$400,000.00, Westchester County Supreme Court Index No. 59664/2018, inclusive of attorney's fees.

Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Nogna". The signature is written in a cursive style with a large, sweeping initial "J".

John M. Nogna
County Attorney

JMN/cb

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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00.²

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees. Brian Dratch, Esq., of Franzblau Dratch, P.C., 233 Broadway, Suite 1800, New York, New York 10279, is representing the plaintiff.

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The plaintiff has a well-documented and extensive medical history after the incident. Following the current incident while exiting the bus, plaintiff underwent two surgeries. First, plaintiff underwent neck surgery to repair a metal plate in her neck which became dented as a result of being struck by the bus doors. Plaintiff's second surgery consisted of lumbar surgery, however plaintiff denies any relief since the surgery and claims her back and neck pain have become worse as a result of this incident.

The plaintiff will argue that the bus driver was negligent in their operation of the bus door. The plaintiff will further argue that the bus driver's negligence was the proximate cause of her injuries.

² The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, 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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, 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

, 2021

COMMITTEE ON

ACT NO. -2021

AN ACT authorizing the County Attorney to settle the lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00 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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, inclusive of attorney's fees.³

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.

³ The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

FISCAL IMPACT STATEMENT

SUBJECT: Laura Rodriguez Settlement 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 \$ 199,544

Total Current Year Revenue \$ -

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

Additional Appropriations Other (explain)

Identify Accounts: Fund 101 Org 44 Unit 2100 Object 4924

Potential Related Operating Budget Expenses: Annual Amount \$199,514

Describe: Settlement of lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc. et al.

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: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: August 25, 2021

Reviewed By: [Signature]

08/25/21

Budget Director

Date: 8/25/21