

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

January 18, 2024

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 Jonathan Bocek and Tonya Bocek v County of Westchester, in Supreme Court Westchester County, Index No. 67007/2021, in the amount of \$175,000.00 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 Jonathan and Tonya Bocek v County of Westchester, in the amount of \$175,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Damaris E. Torrent. The lawsuit tentatively settled at a settlement conference, pending this Board's approval, in the amount of \$175,000.00, inclusive of attorney's fees.

Rachel Ciccone, Esq. of Kommer Bave & Ciccone LLP, 4 West Red Oak Lane-Suite 102, White Plains, New York 10604, is representing the plaintiffs, Jonathan and Tonya Bocek.


This lawsuit arises out of an incident that occurred at the Kensico Dam Plaza on May 14, 2021. Plaintiff was watching his son's saber light show practice when he felt a pebble in his shoe. He leaned on an electrical control panel and removed the pebble from his shoe. When he placed his foot back on the ground he claims he felt a shock go through the entire right side of his body. He immediately complained of pain and weakness in his right arm and leg. He sought treatment from his primary physician and was diagnosed with arthropathy and neuropathy consistent with electrical injury and was prescribed physical therapy. He treated with a physical therapist for his right side, arm, hand and leg weakness and was thereafter diagnosed with aggravation of degenerative hip osteoarthritis which necessitated a total hip replacement. He claims that he was required to change jobs as a result of his injury.



At trial plaintiff will claim that the County was negligent for failing to properly wire the electrical control panel. He will argue that the County failed to warn him of the danger. The plaintiff will further argue that the County's negligence was the proximate cause of his 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 of Jonathan Bocek and Tonya Bocek v County of Westchester, in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, inclusive of attorney's fees.

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 Jonathan Bocek and Tonya Bocek v. County of Westchester, in the amount of \$175,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before the Honorable Damaris E. Torrent. The lawsuit tentatively settled at a settlement conference, pending this Board's approval, in the amount of \$175,000.00, inclusive of attorney's fees.

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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 of Jonathan Bocek and Tonya Bocek v County of Westchester, in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, 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 Jonathan Bocek and Tonya Bocek v County of Westchester et al., in the amount of \$175,000.00, Westchester County Supreme Court Index No. 67007/2021, 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

, 2024

COMMITTEE ON

ACT NO. -2024

AN ACT authorizing the County Attorney to settle the lawsuit of John Bocek and Tonya Bocek v County of Westchester, Westchester County Supreme Court Index No. 67007/2021, in the amount of \$175,000.00, 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 Jonathan Bocek and Tonya Bocek v. County of Westchester, Westchester County Supreme Court Index No. 67007/2021, in the amount of \$175,000.00, 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: Johnathan Bocek 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 \$ 175,000

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 0701 4510 4280 04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim(BI)Bocek, Jonathan G210027

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: Deputy County Attorney

Department: Law

Date: January 4, 2024

Reviewed By: 
Budget Director

Date: 1/7/24