

ACT 55 - 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 Deborah M. Faust and David Bacchioni against Village of Rye Brook and The County of Westchester in the amount of \$550,000.00.

Plaintiff Deborah M. Faust (“plaintiff”) alleges that on February 28, 2018, at approximately 7:30 a.m., she suffered physical injuries when she tripped and fell on an uneven sidewalk flag while walking on the sidewalk approach to the North Ridge Street Bridge, Village of Rye Brook.

While the adjacent roadway to the bridge is a County-designated roadway, the County disputed ownership and/or control of the accident site itself. Further, the County argued, in any event, that it did not receive prior written notice of the sidewalk condition and, therefore, could not be held liable for this accident. However, expert opinion concluded that the County was responsible for the sidewalk approach to the bridge where the accident occurred and additional records provided by NYSDOT indicated that the County was notified of the sidewalk condition prior to this accident.

At a trial, plaintiff, 64 years old at the time of the accident, will argue that she suffered a permanent physical injury to her right shoulder, which required reconstructive surgery with permanent installation of metal hardware, two (2) emergency craniotomies as a result of striking her head in the accident, remained in ICU for 10 days, 6 months of physical therapy, and missed 6 months of work as a result of this accident. Under these circumstances, a jury would likely

find in plaintiff's favor and rule the County liable for the accident location and plaintiff's injuries.

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 \$550,000, 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
March 20th, 2023

Dedat fclh
SLO
Maurice
Lynn Green Johnson
David J. Jubilo
Catherine Park
Walt M
Jr. Hill

Dedat fclh
Maurice
Catherine Park
Walt M

COMMITTEE ON

1:jf

Budget & Appropriations

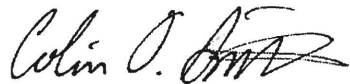
Law & Major Contracts

Dated: March 20, 2023
White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below

Committee(s) on:

Budget & Appropriations



Law & Major Contracts



ACT NO. 55 - 2023

AN ACT authorizing the County Attorney to settle the lawsuit of Deborah M. Faust and David Bacchioni against Village of Rye Brook and The County of Westchester, Supreme Court of the State of New York, Westchester County, Index No. 51279/2019

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 Deborah M. Faust and David Bacchioni against Village of Rye Brook and The County of Westchester in the amount of \$550,000 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.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement:Faust, Deborah 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 \$ 550,000

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 0698/4210 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G180079 Faust, Deborah

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: John Fico

Title: Associate County Attorney

Department: Law

Date: January 25, 2023

Reviewed By: [Signature]

Budget Director

Date: 1/26/23

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 55 - 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 March 20, 2023, and approved by the County Executive on March 21, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 22nd day of March, 2023.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

