

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 Jessica James v. County of Westchester, in Westchester County Supreme Court, Index No. 53652/2019, in the amount of \$100,000.00.

This matter is pending in the Westchester County Supreme Court before the Honorable Joan Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$100,000.00, inclusive of attorney's fees. Ian Kingsley of Goldberg, Miller & Rubin, PC, 797 Third Avenue, 24<sup>th</sup> Floor, New York, New York 10017, is representing the plaintiff.

This matter arises out of a passenger accident which occurred on March 16, 2018. The 64-year-old plaintiff alleged that at 7:45 p.m. on Court Street, near Post Road, in White Plains, bus 576 closed its rear doors on her before she exited the vehicle, causing her to fall. The bus video shows that the rear doors started to close while plaintiff was still inside the bus and descending the steps. As plaintiff attempted to exit, the doors began to close and she stumbled as she hurried to get out. She lost her balance as she pulled her right arm through the door, fell on the sidewalk and landed on her left side. She tried to break her fall by putting her hands out.

Plaintiff was brought to White Plains Hospital by ambulance. Plaintiff complained of bilateral wrist pain, posterior knee pain, and left hip pain. Plaintiff stated her pain level was 9/10. Subsequent MRI's showed herniated discs from C2 through C7 and from L1 through S1. On May 10, 2018, at Montefiore Ambulatory Surgical Center, plaintiff underwent arthroscopic surgery on her right shoulder for a rotator cuff tear. Plaintiff also received a nerve block for post-operative pain control.

Subsequently, and in addition to her shoulder surgery, plaintiff underwent epidural steroid injections to her neck and lower back. She received one epidural in her back and multiple injections in her neck. Plaintiff regularly received physical therapy for her shoulder and back. Plaintiff was diagnosed with

carpal tunnel syndrome in her right wrist as a result of the accident. Plaintiff claims that she suffers from depression as a result of the accident and was prescribed Zoloft.

The plaintiff will argue that the bus driver was negligent in his operation of the bus. The plaintiff will further argue that the bus driver's negligence was the proximate cause of her injuries. The bus operator in question was subject to a disciplinary hearing. The operator was issued a violation for the incident.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. Both outside counsel and our insurer's adjuster recommend this settlement. The accompanying Act will authorize settlement of the lawsuit entitled Jessica James v. County of Westchester, in Westchester County Supreme Court, Index No. 53652/2019, in the amount of \$100,000.00, 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 Jessica James v. County of Westchester, in Westchester County Supreme Court, Index No. 53652/2019, 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

January 31st, 2022

*W. N. Mc*  
*Colin O'Neil*  
*Joseph J. ...*  
*Nancy Barr*  
*...*  
*...*  
Budget & Appropriations

*W. N. Mc*  
*Colin O'Neil*  
*Joseph J. ...*  
*Nancy Barr*  
*...*  
*...*  
Law & Major Contracts

COMMITTEE ON

Dated: January 31<sup>st</sup>, 2022  
White Plains, New York

*The following members attended the meeting remotely, pursuant to Chapter 1 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.*

Committee(s) on:

**Budget & Appropriations**



Catherine F. Parker



**Law & Major Contracts**



Catherine F. Parker



ACT NO. 5 -2022

AN ACT authorizing the County Attorney to settle the lawsuit of Jessica James v. County of Westchester, in Westchester County Supreme Court, Index No. 53652/2019, 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:

Section 1. The County Attorney is authorized to settle the lawsuit of Jessica James v. County of Westchester, in Westchester County Supreme Court, Index No. 53652/2019, in the amount of \$100,000.00 inclusive of attorney's fees. The County will pay \$100,000.00 as required by the self-insured retention applicable to its insurance policy.

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.

STATE OF NEW YORK            )  
  )    ss.  
WESTCHESTER COUNTY        )

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 5 - 2022, 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 February 7, 2022, and approved by the County Executive on February 9, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 11<sup>th</sup> day of February, 2022.



Malika Vanderberg

The Clerk of the Westchester County  
Board of Legislators

County of Westchester, New York

