

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 Etonya Bonds v. Westchester County, 19-cv-1712 (S.D.N.Y.), in the amount of \$100,000.00.

This matter is pending in the United States District Court for the Southern District of New York. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$100,000.00, inclusive of attorney's fees, at the second settlement conference. Frederick K. Brewington, Esq. of The Law Offices of Frederick K. Brewington, 556 Peninsula Blvd., Hempstead, NY is representing Plaintiff.

Plaintiff, who is a Sergeant at the Westchester County Department of Correction ("DOC") and has been employed by the DOC as an officer for more than twenty years, brought a federal action under the ADA against Westchester County and several employees of the DOC. She alleged that she is hearing-impaired and was discriminated against by the DOC as a result of her disability.

In her lawsuit, Plaintiff claimed that: (1) she requested accommodations for her disability that were not granted; (2) she was discriminated against as a result of her disability; and (3) she was retaliated against for requesting an accommodation and for filing a Complaint with the EEOC.

After the close of discovery, the parties participated in settlement conferences before the magistrate judge assigned to the case. After two lengthy settlement conferences, the parties agreed to settle the matter for \$100,000, inclusive of attorneys' fees (subject to the Board's approval). In light of the claims alleged and the issues of fact may preclude summary judgment, we recommend settling this action for \$100,000.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal and, in the event the Plaintiff is successful following a jury trial, the payment of Plaintiff's counsel'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 Etonya Bonds v. Westchester County, 19-cv-1712 (S.D.N.Y.) 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
June 12th, 2023

Budget & Appropriations

Henry Z. John
Maryann
Debra M
Cathy Parker
Sifa
Vedat Jashi
David Tubish

Law & Major Contracts

Maryann
Debra M
Cathy Parker
Vedat Jashi
David Tubish

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Bonds, Etonya 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 \$ 100,000

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 0697/4150 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim (Etonya Bonds G170240)

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: Loren Zeitler

Title: Senior Assistant County Attorney

Department: Law

Date: May 18, 2023

Reviewed By:

Budget Director

Date: 5/19/23

ACT NO. 2023

AN ACT authorizing the County of Westchester to settle the lawsuit of Etonya Bonds v. Westchester County, 19-cv-1712 (S.D.N.Y.), 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:

1. The County Attorney is authorized to settle the lawsuit of Etonya Bonds v. Westchester County, 19 cv 1712 (S.D.N.Y.), in the amount of \$100,000.00, inclusive of attorney's fees.
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 purpose hereof.
3. This Act shall take effect immediately.