

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 entitled Alice P. Dewaters v. County of Westchester, et al, Westchester County Supreme Court Index No. 68649/2018, in the amount of \$100,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court. The matter tentatively settled on July 28, 2022 pending this Board's approval of a settlement in the amount of \$100,000.00, inclusive of attorney's fees.

This matter arises out of a Liberty Lines Bus accident which occurred on August 22, 2017. The plaintiff is a 63-year-old female who was reportedly struck by a bus as she walked in a crosswalk on Warburton Avenue in Yonkers. She was transported via ambulance to St. John's Riverside Hospital where she was evaluated, treated, and then transferred to Westchester Medical Center for a higher level of care. Plaintiff was hospitalized from August 22nd and subsequently discharged on August 26th.

Plaintiff sustained a small laceration to her forehead which resulted in a scar. Plaintiff sustained multiple right rib fractures and a pulmonary contusion. Plaintiff also underwent physical therapy for an extended period of time.






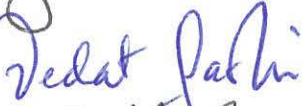

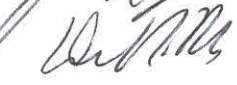
The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings and potential appeal. Both outside counsel and our insurer's adjuster recommend this settlement. The County will pay the \$100,000 settlement as part of the \$250,000. self-insured retention in its insurance policy.







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 Alice P. Dewaters v. County of Westchester, et al, Westchester County Supreme Court Index No. 68649/2018, 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

September 28, 2022









Budget & Appropriations







Law & Major Contracts

COMMITTEE ON:

Dated: September 28, 2022
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.

Budget & Appropriations

A handwritten signature in black ink, appearing to be "Dan G..." with a stylized flourish at the end.

ACT NO. -2022

AN ACT authorizing the County Attorney to settle the lawsuit entitled Alice P. Dewaters v. County of Westchester, et al, in Westchester County Supreme Court, Index No. 68649/2018, 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 entitled Alice P. Dewaters v. County of Westchester, et al, in Westchester County Supreme Court, Index No. 68649/2018, in the amount of \$100,000.00 inclusive of attorney's fees. The County will pay the \$100,000 settlement as part of the \$250,000. self-insured retention in 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.

