

George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

December 4, 2020

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 George Donahoe v. Bee-Line Bus System, et al., in Westchester County Supreme Court, Index No. 50317/2019, in the amount of \$107,500.00 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 George Donahoe v. Bee-Line Bus System, et al., in the amount of \$107,500.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court before Court Attorney-Referee Angela DiBlasi. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$107,500.00, inclusive of attorney's fees.

Montgomery J. Delaney, Esq., of Montgomery J. Delaney, P.C., 175 Main Street, Suite 510, White Plains, New York 10601, is representing the plaintiff.

This matter arises out of a pedestrian knockdown accident which occurred on October 14, 2017, at approximately 11:12 a.m., at the bus stop located at the corner of Broadway and Fairlawn Avenue, in the Village of Dobbs Ferry. The plaintiff claims the passenger side front bus mirror struck him in the head while he was waiting at the bus stop.

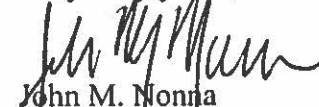
The plaintiff has a well-documented and extensive prior medical history of a degenerative spinal condition with two cervical fusions and two lumbar fusions. After this accident, the plaintiff went for two additional and extensive cervical fusions that essentially fused his cervical spine to his thoracic spine. The plaintiff's medical records suggest a new fracture in the upper thoracic spine related to this accident. Causation of the injury claims and need for surgery has

been attributed as 50% to pre-existing conditions and 50% to this accident, therefore saying the defendants are responsible for 50% of the two post-accident surgeries.

The plaintiff will argue that the bus driver was negligent in their operation of the bus. The plaintiff will further argue that the bus driver'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 George Donahoe v. Bee-Line Bus System, et al., in the amount of \$107,500.00, Westchester County Supreme Court Index No. 50317/2019, 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 George Donahoe v. Bee-Line Bus System, et al., in Westchester County Supreme Court, Index No. 50317/2019, in the amount of \$107,500.00.

This matter is pending in the Westchester County Supreme Court before Court Attorney-Referee Angela DiBlasi. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$107,500.00, inclusive of attorney's fees. Montgomery J. Delaney, Esq., of Montgomery J. Delaney, P.C., 175 Main Street, Suite 510, White Plains, New York 10601, is representing the plaintiff.

This matter arises out of a pedestrian knockdown accident which occurred on October 14, 2017, at approximately 11:12 a.m., at the bus stop located at the corner of Broadway and Fairlawn Avenue, in the Village of Dobbs Ferry. The plaintiff claims the passenger side front bus mirror struck him in the head while he was waiting at the bus stop.

The plaintiff has a well-documented and extensive prior medical history of a degenerative spinal condition with two cervical fusions and two lumbar fusions. After this accident, the plaintiff went for two additional and extensive cervical fusions that essentially fused his cervical spine to his thoracic spine. The plaintiff's medical records suggest a new fracture in the upper thoracic spine related to this accident. Causation of the injury claims and need for surgery has been attributed as 50% to pre-existing conditions and 50% to this accident, therefore saying the defendants are responsible for 50% of the two post-accident surgeries.

The plaintiff will argue that the bus driver was negligent in their operation of the bus. The plaintiff will further argue that the bus driver'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 George Donahoe v. Bee-Line Bus System, et al., in the amount of \$107,500.00, Westchester County Supreme Court Index No. 50317/2019, 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 George Donahoe v. Bee-Line Bus System, et al., Westchester County Supreme Court Index No. 50317/2019, in the amount of \$107,500.00, 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

, 2020

COMMITTEE ON

ACT NO. -2020

AN ACT authorizing the County Attorney to settle the lawsuit of George Donahoe v. Bee-Line Bus System, et al., Westchester County Supreme Court Index No. 50317/2019, in the amount of \$107,500.00, 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 George Donahoe v. Bee-Line Bus System, et al., Westchester County Supreme Court Index No. 50317/2019, in the amount of \$107,500.00 inclusive of attorney's fees. The County will pay \$107,500.00 out of the self-insured retention fund.

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: Donahoe v Bee-Line

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 \$ 107,500

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: 101-44-2100-4924

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: | _____ |

Potential Related Operating Budget Revenues: Annual Amount _____

Describe: _____

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: _____

Next Four Years: _____

Prepared by: Michael A. Dunn

Title: Assistant Budget Analyst

Department: Budget

Date: December 4, 2020

Reviewed By: 

Deputy Budget Director

Date: 12/4/20