

ACT 142 - 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 L.S., an infant by his mother and natural guardian, Meredith Shur and Meredith Shur, individually against Westchester County and Westchester County Department of Parks, Recreation and Conservation in the amount of \$410,000.00.

Infant plaintiff L.S. suffered a partial amputation of his right index finger of his dominant hand while interacting with the metal wheels and track of a quarry stone carrying cart exhibit at the Cranberry Lake Preserve, Harrison, New York; a County-owned and maintained public park.

The exhibit is comprised of two heavy metal wheels connected by an axle that roll back and forth on metal train tracks approximately two (2) feet long. The axle was tethered to the ground by a chain to limit its roll. However, the wheels rolled and moved enough to catch the infant plaintiff's right index finger and caused it to be wedged between the metal wheels and track.

As a result of the accident, the infant plaintiff's right index finger is visibly deformed, continues to suffer pain and numbness, and is considered to be permanent.

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 \$410,000, 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
July 31st, 2023

Samuel B. John
Self
D. N. M.
Cath. Park
Robert J. Ash
Tom H.
Murray
Colin A. M.

Samuel B. John
D. N. M.
Cath. Park
Robert J. Ash
Murray
Colin A. M.

COMMITTEE ON

l:jf

Budget &
Appropriations

Law & Major
Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Settlement for G200053(Shur) 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 \$ 410,000

Total Current Year Revenue _____

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

Additional Appropriations

Other (explain)

Identify Accounts: 6N Fund- 615/59/0700/4410/4280/04

Potential Related Operating Budget Expenses: Annual Amount _____

Describe: BI Settlement of G200053 L.S., an infant by his m/n/g Shur, Meredith

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: John Fico

Title: Associate County Attorney

Department: Law

Date: June 7, 2023

Reviewed By: 
PH

Budget Director

Date: 6/8/23

ACT NO. 142 - 2023

AN ACT authorizing the County Attorney to settle the lawsuit of L.S., an infant by his mother and natural guardian, Meredith Shur and Meredith Shur, individually against Westchester County and Westchester County Department of Parks, Recreation and Conservation in the amount of \$410,000.00, Supreme Court of the State of New York, Westchester County, Index No. 58261/2021

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 L.S., an infant by his mother and natural guardian, Meredith Shur and Meredith Shur, individually against Westchester County and Westchester County Department of Parks, Recreation and Conservation in the amount of \$410,000 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.

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 142 - 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 August 7, 2023, and approved by the County Executive on August 7, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 8th day of August, 2023.

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

