

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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00.²

This matter is pending in the Westchester County Supreme Court before the Honorable Joan B. Lefkowitz. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$400,000.00, inclusive of attorney's fees. Brian Dratch, Esq., of Franzblau Dratch, P.C., 233 Broadway, Suite 1800, New York, New York 10279, is representing the plaintiff.

This matter arises out of an incident which occurred on January 3, 2018, at approximately 12:00 p.m., at the bus stop located at 7 Main Street, in the City of Yonkers. The plaintiff claims the bus door struck her in the face and body multiple times while attempting to exit the bus.

The plaintiff has a well-documented and extensive medical history after the incident. Following the current incident while exiting the bus, plaintiff underwent two surgeries. First, plaintiff underwent neck surgery to repair a metal plate in her neck which became dented as a result of being struck by the bus doors. Plaintiff's second surgery consisted of lumbar surgery, however plaintiff denies any relief since the surgery and claims her back and neck pain have become worse as a result of this incident.

The plaintiff will argue that the bus driver was negligent in their operation of the bus door. The plaintiff will further argue that the bus driver's negligence was the proximate cause of her injuries.

² The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, 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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, 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

November 8, 2021

Admiral [Signature]
Vedat Jabli
[Signature]
David J. Lybigo
Benjamin Bayliss

Colin O. [Signature]
K. [Signature]
Vedat Jabli
Benjamin Bayliss

COMMITTEE ON

Budget & Appropriations

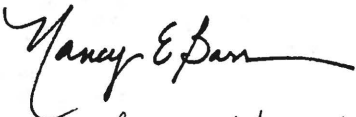

Law & Major Contracts

Dated: November 8, 2021
White Plains, New York

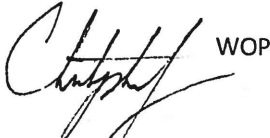

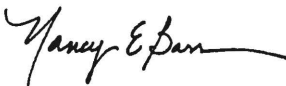
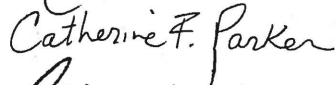
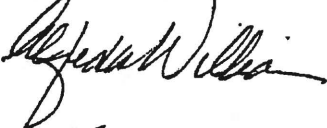

The following members attended the meeting remotely, as per Governor Cuomo's Executive Order 202.1 and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Committee(s) on:

Law & Major Contracts

Budget & Appropriations

 WOP






ACT NO. 194 -2021

AN ACT authorizing the County Attorney to settle the lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00 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 Laura Rodriguez v. Liberty Lines Transit, Inc., et al., in Westchester County Supreme Court, Index No. 59664/2018, in the amount of \$400,000.00, inclusive of attorney's fees.³

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.

³ The County has already paid \$50,455.85 in indemnity payments to date, leaving a total of \$199,544.15 that the County will pay out of the self-insured retention fund and the excess carrier, RLI, will pay \$200,455.85.

FISCAL IMPACT STATEMENT

SUBJECT: Laura Rodriguez Settlement

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 \$ 199,544

Total Current Year Revenue \$ -

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

Additional Appropriations

Other (explain)

Identify Accounts: Fund 101 Org 44 Unit 2100 Object 4924

Potential Related Operating Budget Expenses: Annual Amount \$199,514

Describe: Settlement of lawsuit of Laura Rodriguez v. Liberty Lines Transit, Inc. et al.

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: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: August 25, 2021

Reviewed By: 

08/25/21
Budget Director

Date: 8/25/21

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 194 - 2021, 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 November 8, 2021, and approved by the County Executive on November 10, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 15th day of November, 2021.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

