

ACT 128 - 2022

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

Colin O'Neil
Janet Ziller Johnson
Catherine Parker
Manciphan
Dedat Jahn
W. M.

Budget & Appropriations

Colin O'Neil
Catherine Parker
Manciphan
Dedat Jahn
W. M.

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 "Sam Sam", written in a cursive style.

ACT NO. 128 -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.

FISCAL IMPACT STATEMENT

SUBJECT: Alice Dewaters v Cty. of Westchester 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: 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: _____

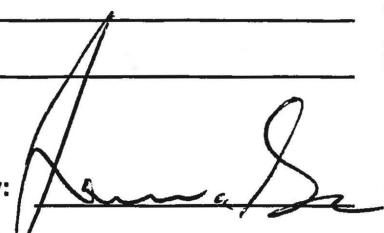
Next Four Years: _____

Prepared by: Dianne Vanadia

Title: Sr. Budget Analyst

Department: Budget

Date: August 30, 2022

Reviewed By: 
Budget Director
Date: 8/30/22

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I **HEREBY CERTIFY** that I have compared the foregoing Act, Act No. 128 - 2022, 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 October 3, 2022, and approved by the County Executive on October 4, 2022.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 6th day of October, 2022.

Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

