

ACT 45 - 2026

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 Craig Pellis v. Vincent R. Russo, 25-cv-3720 (S.D.N.Y. 2025) (KMK), in the amount of \$200,000.00, inclusive of attorney's fees.

This matter is pending in the United States District Court for the Southern District of New York before Honorable Kenneth M. Karas. The lawsuit tentatively settled, pending this Board's approval, for a total amount of \$200,000.00, inclusive of attorney's fees.

Edward Sivin, Esq. of Sivin, Miller & Roche LLP, 20 Vesey Street, New York, NY is representing the Plaintiff.

On June 23, 2023, Plaintiff, a 58-year-old caterer from Mt. Kisco, NY, was having a medical emergency, prompting his wife to call 911. Specifically, his wife saw him shaking, presenting like he was having a seizure, and then unresponsive. When EMS arrived, they had difficulty waking him up, but he gradually became more alert. He was very confused, agitated and aggressive. Defendant Officer Russo and another Westchester County Department of Public Safety ("DPS") officer arrived at the scene, and Officer Russo rear handcuffed Plaintiff. Plaintiff was then seated in a chair and subsequently placed on a stretcher while handcuffed from behind. Eventually, the handcuffs were removed, and visible marks on his wrists were evident.

Plaintiff's wife subsequently filed a complaint with the NYS Attorney General's office accusing Officer Russo and the other responding officer of abuse of authority, improper use of force and wrongful search. The AG's office referred the complaint to the Westchester County Department of Public Safety SIU in November 2023, and SIU interviewed all parties. DPS issued a formal reprimand of Officer Russo after its investigation.

Plaintiff subsequently filed this Section 1983 action in federal court against Officer Russo in his individual capacity, alleging: (1) Officer Russo used excessive force against him by rear handcuffing him, failing to double-lock the handcuffs, and placing him in a supine position; and (2) Officer Russo acted with deliberate indifference to his serious medical needs. The case was immediately placed in the Southern District of New York's 1983 Plan, assigned to mediation, and the limited discovery mandated pursuant to the Plan was exchanged. Mediation was conducted on November 25, 2025, which was unsuccessful but prompted further private settlement discussions.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, the exposure to a jury trial and, in the event Plaintiff is successful following a jury trial, the payment of Plaintiff's counsel's fees. The accompanying Act will authorize settlement of the lawsuit entitled Craig Pellis v. Vincent R. Russo, 25-cv-3720 (S.D.N.Y. 2025) (KMK), in the amount of \$200,000.00, 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 to settle the above-referenced lawsuit. An affirmative vote by a majority of the Board is required to pass this Act.

Dated: March 10, 2026
White Plains, New York

William J. ...
J. ...
...
James Williams Johnson
Arant Naudin

James ...
...
James Williams Johnson
Arant Naudin

COMMITTEES ON

Budget & Appropriations

Litigation

ACT NO. 45 -2026

AN ACT authorizing the settlement of the lawsuit Craig Pellis v. Vincent R. Russo, 25-cv-3720 (S.D.N.Y. 2025) (KMK), pending in the U.S. District Court for the Southern District of New York in the amount of \$200,000.00, inclusive of attorney's fees.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

1. The County Attorney is authorized to settle the lawsuit of Craig Pellis v. Vincent R. Russo, 25-cv-3720 (S.D.N.Y. 2025) (KMK), pending in the U.S. District Court for the Southern District of New York in the amount of \$200,000.00, inclusive of attorney's fees.
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 purpose hereof.
3. This Act shall take effect immediately.

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Pellis, Craig

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 \$ 200,000

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 0703 4750 4280 04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Public Official Liability Settlement of Pellis, Craig G230181

Potential Related Operating Budget Revenues: Annual Amount N/A

Describe: _____

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

Current Year: N/A

Next Four Years: N/A

Prepared by: Loren Zeitler

Title: Senior Assistant County Attorney

Department: Law

Date: February 20, 2026

Reviewed By: [Signature]

PH

Budget Director

Date: 2/20/26

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 45 - 2026, 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 March 23, 2026, and approved by the County Executive on March 24, 2026.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 25th day of March, 2026.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

