

Law & Major Contracts Meeting Agenda



Committee Chair: Damon Maher

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Monday, September 18, 2023

10:00 AM

Committee Room

CALL TO ORDER

Joint with Budget & Appropriations committee.

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, White Plains, New York, 10601, and remotely via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view it online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/> This website also provides links to materials for all matters to be discussed at a given meeting.

MINUTES APPROVAL

Monday, June 12, 2023 at 10:00 a.m.

Tuesday, June 20, 2023 at 10:00 a.m.

Monday, July 31, 2023 at 10:00 a.m.

I. ITEMS FOR DISCUSSION

1. [2023-324](#) ACT - Lawsuit Settlement of Sydnor v. County of Westchester

AN ACT authorizing the County Attorney to settle the lawsuit entitled Sydnor v. County of Westchester in the amount of SIX HUNDRED TWENTY-FIVE THOUSAND (\$625,000) DOLLARS.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LAW & MAJOR CONTRACTS

Guest: Law Dept.: Senior Assistant County Attorney Mark Gardner

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT



George Latimer
County Executive

Office of the County Attorney

John M. Nonna
County Attorney

July 18, 2023

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 Second of Two Claims in the Lawsuit entitled, Sydnor v. The County of Westchester, et al, Westchester County Supreme Court Index No. 68352/2015, in the amount of \$625,000.

Dear Honorable Members of the Board:

Attached for your consideration is an Act which, if approved by your Honorable Board, would authorize settlement of the second of the two claims in the lawsuit entitled, Sydnor v. The County of Westchester, et al, Westchester County Supreme Court Index No. 68352/2015. The first of the two claims contained in the latter lawsuit settled on January 3, 2023 and was approved by the Board of Acquisition & Contract shortly thereafter.

This claim tentatively settled on May 11, 2023 in the amount of \$625,000. pending this Board’s approval, inclusive of the \$250,000 self-insured retention in the County’s insurance policy.

This matter is pending in the Westchester County Supreme Court. The law firm of German Rubenstein, 19 West 44th Street, New York, New York 10036 is representing the plaintiff. The law firm of Cascone & Kluepfel, 497 Main Street, Farmingdale, New York 11735 is representing the County.

This matter arises out of a Liberty Lines Bus accident which occurred on March 3, 2015. The circumstances of this Liberty Lines bus incident case are as follows.

Plaintiff Shannen Sydnor was stopped at a red light on Nepperhan Avenue at the intersection with Lake Avenue in Yonkers when it was rear-ended by a Liberty Lines bus. An ambulance transported the plaintiffs from the scene of the accident to St. John’s Riverside Hospital Emergency Room.



The plaintiff underwent numerous medical procedures, including many spinal injections and two fusions. For example, on January 13, 2017, Sydnor underwent a lumbar discectomy, laminectomy and fusion at L5-S1. On December 4, 2019, Sydnor underwent cervical hemi-vertebrectomy at C5-6 and C6-7, discectomy at C4-5, C5-6 and C6-7 and fusion at C4-5, C5-6 and C6-7 and arthrodesis at C4-5, C5-6 and C6-7. In addition, there is a long term and extensive history of the plaintiff's visits for various other medical treatments.

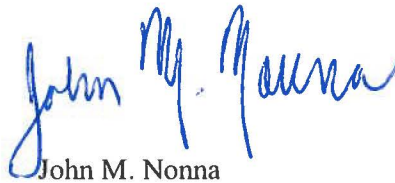
Plaintiff filed a motion for summary judgment on liability, which was granted on July 31, 2018. It is important to note that the plaintiff won a motion for summary judgment on the issue of liability. Consequently, the risk of unsuccessfully defending this case during a trial has increased significantly.

The bus operator involved in this accident was charged with a preventable accident and issued a warning for the accident.

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 \$250,000 self-insured retention in its insurance policy.

The accompanying Act will authorize settlement of the lawsuit entitled, Sydnor v. The County of Westchester, et al. Westchester County Supreme Court Index No. 68352/2015, in the amount of \$625,000.00, inclusive of attorney's fees.

Very truly yours,



John M. Nonna
County Attorney

JMN/mg

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 second of two claims in the lawsuit entitled, Sydnor v. The County of Westchester, et al, Westchester County Supreme Court Index No. 68352/2015, in the amount of \$625,000.

This matter is pending in Westchester County Supreme Court. The matter tentatively settled on May 11, 2023 pending this Board's approval of a settlement in the amount of \$625,000.00, inclusive of attorney's fees.

Plaintiff Shannen Sydnor was stopped at a red light on Nepperhan Avenue at the intersection with Lake Avenue in Yonkers when she was rear-ended by a Liberty Lines bus. An ambulance transported the plaintiff from the scene of the accident to St. John's Riverside Hospital Emergency Room.

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 \$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 Sydnor v. The County of Westchester, et al, Westchester County Supreme Court, Index No. 68352/2015, in the amount of \$625,000., 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

, 2023

ACT NO. -2023

AN ACT authorizing the County Attorney to settle the lawsuit entitled Sydnor v. County of Westchester, et al, Westchester County Supreme Court, Index No. 68352/2015, in the amount of \$625,000.00, 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, Sydnor v. County of Westchester, et al, Westchester County Supreme Court Index No. 68352/2015, in the amount of \$625,000.00, inclusive of attorney's fees. The County will pay 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: Sydnor v. COW et al (Liberty Lines)

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 \$ 250,000

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: Associate Budget Director

Department: Budget

Date: July 7, 2023

Reviewed By: Christina Rumpelt

Dr 7/25/23
Budget Director

Date: 7/25/23