

ACT 237 - 2025

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 County's potential liability in the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

This matter is pending in the United States District Court for the Southern District of New York. The matter tentatively settled on June 27, 2025 pending this Board's approval of a settlement in the amount of \$341,250, inclusive of attorney's fees.

This matter arises out of a lawsuit that alleges, among other things, that Leonard Mack was arrested on May 22, 1975 for an attack on two teenaged girls, and thereafter was wrongfully convicted in connection with the attack and a rape of one girl, and as a result was subsequently incarcerated from May 1975 to December 1982. However, in 2022, as a result of DNA testing that did not exist in 1975, DNA testing established conclusively that Mack was not the rapist. A search of a law enforcement DNA database identified the actual perpetrator of the crime; that perpetrator has since admitted his responsibility for the crime and that he acted alone. Consequently, on September 5, 2023, a court granted a motion to vacate Mack's conviction and dismissed the indictment.

The settlement takes into consideration the uncertainty of litigation and the potential costs of trial, subsequent proceedings, and potential appeal, as well as the potential for any future claims against the County defendants by the Greenburgh defendants. Both outside counsel and our insurance companies recommend this settlement.

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, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, 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 10, 2025

James Williams John S
Gill
Colin O'M
Dorothy Subito
Ann M
Mary Ann
Debra Jodi

Colin O'M
Ann M
Mary Ann
Debra Jodi

COMMITTEE ON:

Budget & Appropriations

Law & Major Contracts

ACT NO. 237 - 2025

AN ACT authorizing the County Attorney to settle the lawsuit entitled, Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, 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 Leonard Mack v. Westchester County, et al, United States District Court for the Southern District of New York, Case No. 7:24-cv-08990-KMK, in the amount of \$341,250, inclusive of attorney's fees.

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: Lawsuit Settlement:Mack, Leonard

☐ 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 \$ 341,250

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 0510 1050 4280 04

Potential Related Operating Budget Expenses:

Annual Amount N/A

Describe: Public Official Liability Settlement of Mack, Leonard G860219

Potential Related Operating Budget Revenues:

Annual Amount N/A

Describe:

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

Current Year: N/A

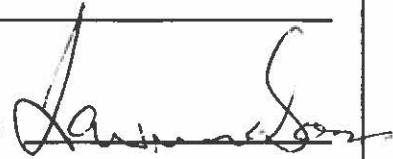
Next Four Years: N/A

Prepared by: Mark L Gardner

Title: Senior Assistant County Attorney

Department: Law

Date: September 10, 2025

Reviewed By: 

Budget Director

Date: 9/11/25

STATE OF NEW YORK)
) ss.
WESTCHESTER COUNTY)

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 237 - 2025, 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 17, 2025, and approved by the County Executive on November 19, 2025.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said County Board of Legislators on this 19th day of November, 2025.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

