

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 of Beth Green v County of Westchester et al. in the amount of \$850,000.00 inclusive of attorney's fees.

This lawsuit is pending in the Westchester County Supreme Court before the Honorable Lewis Lubell. The matter tentatively settled pending this Board's approval of a settlement in the amount of \$850,000.00, inclusive of attorney's fees.

Matthew Levy, Esq. of Gallo Vitucci Klar, LLP, 1 Bridge Street, Suite 140, Irvington, New York 10533, is representing the plaintiff, Beth Green.

This lawsuit arises out of a slip and fall accident which occurred at Saxon Woods Golf Course on September 20, 2019 at approximately 5:15 p.m. The plaintiff was attempting to walk over the third hole foot bridge with her right foot when she placed her foot on the first wooden plank and slipped and fell off of the bridge. She suffered a complete tear and avulsion of her right hamstring and was told she was not a good candidate for corrective surgery. She thereafter engaged in physical therapy to strengthen the muscles surrounding the hamstring for approximately one year. Shortly after completing physical therapy for the hamstring she began to complain of right hip pain. She began a course of physical therapy for the right hip, which culminated in a total hip replacement in June of 2022. Plaintiff claims that the non-skid matting on the foot bridge was worn thin and, therefore, the bridge was slipperier than it appeared to be.

The bridge was replaced after the claim was filed but before the plaintiff's expert had a chance to examine it. The Court granted plaintiff's motion for spoliation and precluded the County from offering evidence or disputing plaintiff's claim that the foot bridge was slippery and dangerous. The Court, thereafter, granted the plaintiff's motion for summary judgment and, as a result, the only issue before the Court is damages.

The Court has already determined that the County was negligent for allowing the foot bridge to exist in a slippery and dangerous condition. The plaintiff will further argue that the County's negligence was the proximate cause of her injuries and that there is a causal connection between the hamstring injury and the resulting hip replacement surgery.

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 of Beth Green v County of Westchester et al, in the amount of \$850,000.00, Westchester County Supreme Court Index No. 64292/2019, 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 Beth Green v County of Westchester et al., in the amount of \$850,000.00,

Westchester County Supreme Court Index No. 64292/2019, 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

January 9th, 2023

Vedat Jelic

Cabrini

West M

Cole

Reza

Spencer

Henry J. ...

David ...

Vedat Jelic

Cabrini

West M

Cole

Spencer

COMMITTEE ON

Budget & Appropriations

Law & Major Contracts

Dated: January 9, 2023
White Plains, New York

The following members attended the meeting remotely pursuant to Chapter 1 of New York State Laws of 2022, and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

COMMITTEES ON

<i>Catherine F. Parker</i>	<i>Catherine F. Parker</i>

Budget & Appropriations

Law & Major Contracts

ACT NO. -2022

AN ACT authorizing the County Attorney to settle the lawsuit of Beth Green v County of Westchester, et al, Westchester County Supreme Court Index No. 64292/2019, in the amount of \$850,000.00, 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 Beth Green v. County of Westchester, et al, Westchester County Supreme Court Index No. 64292/2019, in the amount of \$850,000.00, 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: Beth Green 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 \$ 850,000

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 0698/4210 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G180207 Green, Beth

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: Jane Hogan felix

Title: Associate County Attorney

Department: Law

Date: November 22, 2022

DJO
Reviewed By:

Lawrence S. ...
Budget Director

Date:

11/25/22