

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 Doreen D. Klass v. Gayle E. Hogue, Town/Village of Harrison and County of Westchester, in an amount not to exceed \$85,000.00.

Plaintiff Doreen D. Klass (“plaintiff”) alleges that on November 7, 2017, at approximately 6:30 p.m., she suffered physical injuries when she was struck by an automobile while walking in a marked mid-block crosswalk at Halstead Avenue, Harrison, New York. Plaintiff alleges that the County was negligent in reinstalling the parking space markings immediately adjacent to the subject crosswalk in violation of New York State traffic regulations. The parking space markings contributed to the cause of the accident by allowing parked vehicles therein to obstruct lines of sight of both the plaintiff and co-defendant driver.

At a trial, plaintiff, 75 years old at the time of the accident, will argue that she suffered a permanent physical injury to her left leg and shoulder, which required multiple surgeries, permanent installation of metal hardware, permanent loss of function, and future pain and suffering. Under these factual circumstances, the Court or jury would likely find in plaintiff’s favor on the issue of the County’s contributing share of liability regarding its installation of the marked parking spaces.

Your Committee has carefully considered the subject matter, the settlement proposal, and the attached Act and recommends authorizing the County Attorney or his designee to settle this

lawsuit by payment to plaintiff in the amount not to exceed \$85,000, 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

September 12, 2022

W. N. M.
Lynn Ball - Lopez
Marilyn Bar
Catherine Parker
Vedat J. L.
Doris J. Tubish
Celia J. M.
T. U.
[Signature]

W. N. M.
Marilyn Bar
Catherine Parker
Vedat J. L.
Celia J. M.

Budget & Appropriations
1:jf

COMMITTEE ON

Land & Major Contracts

Dated: September 12, 2022
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

Budget & Appropriations

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Lawsuit Settlement: Doreen Klass 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 \$ 85,000

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 0697/4110 4280/04

Potential Related Operating Budget Expenses: Annual Amount N/A

Describe: Settlement of General Liability Claim G170194

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: John A. Fico

Title: Senior Assistant County Attorney

Department: Law

Date: July 9, ~~2019~~ 2022

Reviewed By: 
Budget Director

Date: 7/14/22

ACT NO. 121 - 2022

AN ACT authorizing the County Attorney to settle the lawsuit of Doreen D. Klass v. Gayle E. Hogue, Town/Village of Harrison and County of Westchester, Supreme Court of the State of New York, Westchester County, Index No. 51165/2019

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

Section 1. The County Attorney is hereby authorized to settle the lawsuit of Doreen D. Klass v. Gayle E. Hogue, Town/Village of Harrison and County of Westchester by payment in an amount not to exceed \$85,000.00 to plaintiff, inclusive of counsel fees.

Section 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 purposes hereof.

Section 3. This Act shall take effect immediately.

STATE OF NEW YORK)
)
WESTCHESTER COUNTY) ss.

I HEREBY CERTIFY that I have compared the foregoing Act, Act No. 121 - 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 September 12, 2022, and approved by the County Executive on September 16, 2022.

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 September, 2022.



Malika Vanderberg

The Clerk of the Westchester County
Board of Legislators

County of Westchester, New York

