

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. P. M.  
Lance Ball - 10/12/22  
Nancy Barr  
Catherine Parker  
Vedat J. J.  
David J. Tubish  
Celine J. M.  
T. U.  
[Signature]

W. P. M.  
Nancy Barr  
Catherine Parker  
Vedat J. J.  
Celine J. M.

Budget & Appropriations

COMMITTEE ON

Local & Major Contracts

l:jf

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.

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.