Your Committee is in receipt of a proposed Act, which if enacted by your Board, would authorize the settlement of the lawsuit entitled <u>Alice P. Dewaters v. County of Westchester, et al</u>, Westchester County Supreme Court Index No. 68649/2018, in the amount of \$100,000.00 inclusive of attorney's fees.

This matter is pending in the Westchester County Supreme Court. The matter tentatively settled on July 28, 2022 pending this Board's approval of a settlement in the amount of \$100,000.00, inclusive of attorney's fees.

This matter arises out of a Liberty Lines Bus accident which occurred on August 22, 2017. The plaintiff is a 63-year-old female who was reportedly struck by a bus as she walked in a crosswalk on Warburton Avenue in Yonkers. She was transported via ambulance to St. John's Riverside Hospital where she was evaluated, treated, and then transferred to Westchester Medical Center for a higher level of care. Plaintiff was hospitalized from August 22<sup>nd</sup> and subsequently discharged on August 26<sup>th</sup>.

Plaintiff sustained a small laceration to her forehead which resulted in a scar. Plaintiff sustained multiple right rib fractures and a pulmonary contusion. Plaintiff also underwent physical therapy for an extended period of time.

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 \$100,000 settlement as part of 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 <u>Alice P. Dewaters v. County of Westchester, et al</u>, Westchester County Supreme Court Index No. 68649/2018, in the amount of \$100,000.00 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 28, 2022

Call Parker

Vedat Pathi

Budget & Appropriations

Collin Carker Reusspherr Dedut Pali

Law & Major Contracts

COMMITTEE ON:

Dated: September 28, 2022 White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

**Budget & Appropriations** 

Jan Jan

AN ACT authorizing the County Attorney to settle the lawsuit entitled <u>Alice P. Dewaters v. County of Westchester</u>, et al, in Westchester County Supreme Court, Index No. 68649/2018, in the amount of \$100,000.00, 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 <u>Alice P. Dewaters</u> v. County of Westchester, et al, in Westchester County Supreme Court, Index No. 68649/2018, in the amount of \$100,000.00 inclusive of attorney's fees. The County will pay the \$100,000 settlement as part of 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:	Alice Dewaters v Cty. of Westchester NO FISCAL IMPACT PROJECTED
	OPERATING BUDGET IMPACT  To Be Completed by Submitting Department and Reviewed by Budget
	SECTION A - FUND
X GENERAL FUND	AIRPORT FUND SPECIAL DISTRICTS FUND
	SECTION B - EXPENSES AND REVENUES
Total Current Year Ex	pense \$ 100,000
Total Current Year Re	venue \$ -
Source of Funds (chec	k one): X Current Appropriations Transfer of Existing Appropriations
Additional Appro	priations Other (explain)
<b>Identify Accounts:</b>	101-44-2100-4924
Potential Related Ope	Perating Budget Expenses:  Annual Amount
Potential Related Ope	erating Budget Revenues: Annual Amount
Anticipated Savings to County and/or Impact on Department Operations:  Current Year:  Next Four Years:	
Prepared by:	Dianne Vanadia
Title:	Sr. Budget Analyst Reviewed By:
Department:	Budget Director
Date:	August 30, 2022 Date: 8 30 36