

13953

August 26, 2010

To: Honorable Members of the
Board of Acquisition and Contract

From: Robert F. Meehan
County Attorney

Re: Request for Authorization to Settle the Lawsuit of Willie Powell v. County of
Westchester in the amount of \$25,000.00

Plaintiff, 35 years old at the time of the accident, alleges that on July 2, 2005, while a patron at Rye Playland, she was riding on the "Crazy Mouse" rollercoaster when she suffered a back injury while attempting to dismount the ride. Plaintiff alleged that she had one leg out of the car and the other one inside when the car moved forward causing her to drag her leg on the platform which resulted in her falling into the car on her back. Consequently, Plaintiff claimed to have suffered permanent damage to her lumbar spine at level L4-L5, resulting in a decrease in her range of motion and a recommendation of surgical intervention by her orthopedist.

An eyewitness to the event provided a statement corroborating Plaintiff's allegations and added that the Plaintiff was being assisted by a County employee when exiting the car.

In light of the above, the County Attorney believes it is in the best interest of the County to settle with the plaintiff for the amount of \$25,000. The Acting Commissioner of the Department of Parks, Recreation and Conservation concurs in this recommendation.

RFM:jaf

RESOLUTION

Upon the communication of the County Attorney; it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit Willie Powell v. County of Westchester in the amount of \$25,000.00.

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Account to be
Charged/Credited

Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
615	59	0685 / 2910	4280 / 04		\$25,000

Budget Funding Year (must match resolution) Start Date: **1/1/2010** End Date: **12/31/2010**

Funding Source Tax Dollars _____

State Aid _____

\$25,000 Federal Aid _____

(must match resolution)

Other **6N fund - \$25,000** _____