

December 7, 2010

15890

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 Jetuan A. Epps v. County of Westchester, Anthony Amicucci, June Yozzo, Westchester Medical Center and May D. Chou, DDS in the amount of \$50,000.00

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Jetuan A. Epps v. County of Westchester, et.al. in the amount of \$50,000.00, inclusive of counsel fees.

Plaintiff Jetuan Epps, 38 years old and incarcerated at the Westchester County Jail at the time of the incident, alleges that during the period June 2008 through August 27, 2008, the medical personnel at the Jail were deliberately indifferent to her serious medical/dental needs as a result of their failure to adequately and timely address her dental pain.

Plaintiff specifically alleges that from June 2008 through July 9, 2008, she sustained pain and suffering from a loose tooth in the top front quadrant of her mouth and that she had complained during this time period numerous times through sick call requests and clinic visits. Plaintiff alleges that although she was seen in the dental clinic on at least two occasions, she was not examined by medical personnel with a dental background, was not given an x-ray, was not administered adequate pain medication, and was caused to wait approximately one and a half months before her tooth was extracted.

Plaintiff further alleges that on August 13, 2008, she subsequently underwent two more tooth extractions, performed by Dr. May Chou, and that during the procedure one of the teeth broke off, and thereafter remained in her gums with the roots and nerves exposed for two and one half weeks. Plaintiff asserts that during this two and a half week period after the extraction, she submitted numerous sick call requests to have the broken tooth removed due to the pain, swelling, headaches, and was unable to eat and drink as a result of the sensitivity of the remaining tooth with its nerves and roots exposed. Plaintiff's remaining tooth was finally removed on August 27, 2008 by the dental surgeon in the clinic.

Should this matter proceed to trial, plaintiff will claim that her dental needs were not addressed during the first time period from June 2008 through July 9, 2008, which resulted in her first extraction, and also during the subsequent time period of August 13, 2008 through August 27, 2008 for the second extraction, wherein her tooth broke off and the nerves and roots were left exposed for a two and one half week period.

The medical records contain the numerous sick call requests from the plaintiff to Jail medical personnel during the three month period of her dental treatment while she was incarcerated at the Jail.

Should this matter proceed to trial, plaintiff will argue that the County was deliberately indifferent to her dental needs and a jury may believe that the County deviated from accepted dental practices. Jury verdicts range from \$52,000.00 to \$250,000.00.

In light of the County's potential exposure, it is the recommendation of this office that this matter be settled for \$50,000.00, inclusive of counsel fees. The Commissioner of the Department of Correction concurs in this recommendation.

TAL/tal

APPROVED BOARD OF ACQUISITION & CONTRACT - 12/22/2010 - JOMAR VIEIRA, SECRETARY

RESOLUTION

Upon the communication of the County Attorney; it is hereby
 RESOLVED, that the County Attorney is hereby authorized to settle the lawsuit of JETUAN
 EPPS v. COUNTY OF WESTCHESTER, ANTHONY AMICUCCI, JUNE YOZZO,
 WESTCHESTER MEDICAL CENTER and MAY D. CHOU, DDS in the amount of
 \$50,000.00.

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	0688/3230	4280/03		\$50,000

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

Funding Source Tax Dollars _____

State Aid _____

\$ 50,000 Federal Aid _____

(must match resolution)

Other 6N Fund _____