

16294

December 15, 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 Juliet Felitti v. Westchester
Community College and County of Westchester in the amount of \$25,000.00

Plaintiff, 87 years old at the time of the accident, alleges that on the evening of December 2, 2006, while walking on the grounds of Westchester Community College Valhalla Campus ("WCC"), to attend a concert, she was caused to trip and fall over a raised door threshold while entering the Academic Arts Building. Plaintiff alleged that the door threshold was inordinately high and when she attempted to enter the building she caught her foot on the threshold which caused her to fall to the ground. As a result of her fall, Plaintiff suffered a displaced fracture of the right femoral neck requiring a partial hip replacement, hospitalization, physical therapy, and eventual permanent placement in a nursing home. Plaintiff also alleges that her mental health declined as a direct result of the accident and subsequent treatments.

An eyewitness to the event corroborated Plaintiff's allegations and added that the Plaintiff was immobile immediately after the accident, was removed from the scene by paramedics and taken directly to White Plains Hospital where emergency surgery was performed.

In light of Plaintiff's age, the serious nature of her injuries and the possibility that a jury may believe that the threshold constituted a tripping hazard, 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 President of Westchester Community College 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 Juliet Felitti v. Westchester Community College and 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	0686 / 3010	4280 / 04		\$25,000

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

Funding Source Tax Dollars _____

State Aid _____

\$25,000 Federal Aid _____
 (must match resolution)

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