

20156

June 27, 2011

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 Edward Yurus v. County of Westchester in the amount of \$19,600.00.

---

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the lawsuit of Edward Yurus v. County of Westchester in the amount of \$19, 600.00, inclusive of counsel fees and the partial repayment of a Medicaid Lien as assessed by the Westchester County Department of Social Services.

Plaintiff Edward Yurus, then 48 years old and an inmate incarcerated at the Westchester County Jail at the time of the incident, alleges that Jail personnel were negligent in the maintenance of its basketball court located in the E-Block of the Penitentiary on June 18, 2007, in that wet towels were allegedly placed on the south window ledge of the basketball court, wherein such towels dripped water onto the court while plaintiff was playing basketball, causing him to slip and fall. Plaintiff further contends that after his fall, jail medical personnel subsequently failed to properly treat his broken left wrist, which he sustained as a result of the fall, in that he was not given surgery prior to his discharge from the jail on July 13, 2007.

Plaintiff specifically alleges that on June 18, 2007 while he was playing basketball, wet towels were placed on the south ledge window of the basketball court by a jail trustee after the jail trustee cleaned the adjoining dining area floors with the towels. Plaintiff alleges that the wet towels were placed on the ledge sometime during his basketball game, dripped water onto the floor, which seeped onto the basketball court, and that while he was running with the ball towards the basket, he was caused to slip and fall on the water pooling on the floor, thereby sustaining a broken left wrist. He contends that the County maintained a dangerous condition on the basketball court and that the Corrections Officer assigned to monitor the E-Block post failed to remove the towels prior to his fall. Plaintiff further alleges that the jail provided inadequate



medical treatment to his broken left wrist after his fall, in that surgery for his wrist did not transpire at any time prior to his discharge on July 13, 2007. As a result of the failure to conduct surgery, plaintiff alleges, among other things, that he sustained pain, his left wrist healed improperly causing him permanent limitation of motion, he sustained fracture site deformity and lastly, he would be required to obtain future surgery, namely arthrodesis or surgical fusion of his left wrist.

Should this matter proceed to trial, plaintiff will argue that the County was negligent in the maintenance of its basketball court and further that the County improperly treated his broken left wrist with its failure to perform surgery prior to his discharge on July 13, 2007.

In light of the County's potential exposure, it is the recommendation of this office that this matter be settled for \$19,600.00, inclusive of counsel fees and the partial satisfaction of a Medicaid Lien as assessed by the County's Department of Social Services. The Commissioner of the Department of Correction concurs in this recommendation.

TAL/tal

APPROVED BOARD OF ACQUISITION & CONTRACTS 08/18/2017 COUNTY VIERA 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 EDWARD  
YURUS v. COUNTY OF WESTCHESTER in the amount of \$19,600.00.

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		\$19,600

Budget Funding Year(s) 2011 Start Date 1/1/2011 End Date \_\_\_\_\_  
(must match resolution)

Funding Source Tax Dollars \_\_\_\_\_

State Aid \_\_\_\_\_

**\$ 19,600** Federal Aid \_\_\_\_\_

(must match resolution)

Other 6N Fund